

**PROCEEDINGS**

**2009 NCAA® CONVENTION PROCEEDINGS**



103rd Annual Convention  
January 14-17, 2009  
Washington, D.C.

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THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
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July 2009

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# **OPENING BUSINESS SESSION**

## **THURSDAY, JANUARY 15, 2009**

The 103rd Annual Business Session of the National Collegiate Athletic Association, held at the Gaylord National Resort and Convention Center, Washington, D.C., January 15, 2009, was called to order at 4 p.m., by NCAA Executive Committee Chair Michael Adams, president of the University of Georgia.

### **OPENING REMARKS**

**Mr. Adams:** Ladies and gentlemen, I have the pleasure this year serving as the chair of the Executive Committee of the NCAA. I am Michael Adams, president of the University of Georgia, and it is a special honor for me to welcome each one of you to the 2009 NCAA Convention, and as I moderate this opening session also equally welcoming you to Washington, D.C.

As you go about your business at the Convention this week, you will see many communication platforms being used to highlight the unique values of what NCAA President Myles Brand has described as the collegiate model of athletics.

With me on the dais today are the chairs of the Divisions I, II and III presidential governing bodies. I am pleased to welcome them and ask them to stand and remain standing as a group as you meet them. Please hold your applause until all have been introduced.

First of all is Dr. James Barker of Clemson University, the chair of the Division I Board of Directors. Dr. Steve Jordan, from Metropolitan State College in Denver, is the chair of the Division II Presidents Council. And John Fry from Franklin & Marshall College is the chair of the Division III Presidents Council.

We are fortunate that James Barker and Steve Jordan will continue to serve as chairs in the coming year. However, Division III will have new leadership in 2009.

I would like to especially commend President Fry for his leadership based on the knowledge he has exhibited in leading Division III. I know that he will continue to remain involved in Association activities. In this role, I know how much time and energy a division chair does or puts into leading a particular board, council or division. I ask you now to join me, please, in thanking Presidents Barker, Jordan and Fry for their many contributions to these occasions. (Applause)

Also on the dais with me today is Wallace Renfro, who will be introduced more formally in a few moments.

### **MEMORIAL RESOLUTIONS**

**Mr. Adams:** As has been the tradition during the opening business session, the NCAA will honor athletics staff members and student-athletes who passed away during the past year with a Memorial Resolutions Report. A communication was sent to all directors of athletics and conference commissioners with an electronic link to the NCAA Web site for the names of individuals from an institution or conference who passed away during calendar year 2008.

You might want to look at your Convention Program. Pages 61 through 66 will contain the names of those institutional staff members associated with athletics and student-athletes who passed away in 2008.

I would like the delegates and our friends from the media to please stand now with me and we will observe a moment of silence for those men and women who have passed away since we have last met. Please pause with us for a moment of silence.

[Note: The delegates observed a moment of silence.]

Thank you very much. You may be seated.

I would also say, ladies and gentlemen, as we keep important records in this regard, if you know of persons who should be added to that list who may have been omitted for any reason, if you would please contact any member of the national office staff or e-mail them, they would be happy to receive and correct the record.

## **REPORT OF NCAA EXECUTIVE COMMITTEE**

It is customary at this point in the opening business session for the chair of the Executive Committee to present a brief report of the NCAA's activities over the past year. As many of you know, the NCAA federated governance structure allows each division the autonomy to address its varied and individual issues. However, it is important for us to keep in mind that we gather annually at this Convention as one Association.

The NCAA Executive Committee is composed of 16 presidents and chancellors from the three divisions, the president of the NCAA, three non-voting members, the chair of the Division I Leadership Council, and the chairs of the Management Councils in Divisions II and III.

The Executive Committee's duties and responsibilities include approval of the Association's budget, oversight of Association-wide issues, initiation and settlement of litigation, and employment of the NCAA president.

With that in mind, I would like to report briefly on what has been a busy and productive year for the Association. In April, the Executive Committee received the final report from the Working Group established to review Association-wide membership matters and oversee the development of specific membership models.

The Working Group recommendation was to not support the concept of creating a subdivision of Division III, or a new division at this time. Feedback received from you, the membership, during the 2007 NCAA Convention, as well as through the survey instrument underscored a desire to maintain Division III and to focus on other ways to manage membership growth.

The Executive Committee also recently approved College Football Officiating, LLC, in conjunction with the Collegiate Commissioners Association, to make college football officiating more consistent nationwide.

The new LLC will make postseason bowl officiating assignments and will implement educational programming to help unify officiating region by region.

Last fall, the Executive Committee reviewed the fiscal challenges associated with championships travel. The cost of jet fuel, as many of you know, has placed an incredible amount of stress on the airline industry and on many of our programs. As we have all experienced, fares are rising, adding specialty fees for luggage, meals and drinks, as well as reducing capacity. These challenges require both short- and long-term action and evaluation.

Recommendations have been developed by staff to respond to these challenges and the committee will receive a progress report later this week. We believe in many ways it has been a very productive and forward-moving year.

## **STATE OF THE ASSOCIATION ADDRESS**

At the same time, we now move to what I consider to be one of the most important moments, if not the most important moment of the NCAA Convention, the State of the Association address. This address is historically presented by the NCAA president.

As most of you know, NCAA President Myles Brand is undergoing treatment at the present time for a medical condition. I know that all of you join me in sending our thoughts and our prayers to President Brand as we wish him a full and speedy recovery.

As a result of his schedule for treatment, Dr. Brand is unable to be with us today to deliver the 2009 State of the Association address. Doing so in his stead is Senior Advisor and NCAA Vice President Wallace Renfro.

Just a few words about Mr. Renfro. Wallace has been one of the key leaders in this Association for almost 30 years, and has been in the public relations and public affairs business for almost 40. He is involved with President Brand in presenting many of the concepts and articulating the concepts that are now considered an important part of the NCAA message.

He is committed to the Association, he is committed to the concept of amateurism. He is committed to, as he has, and many of you know this, helping and advising many of you around the country.

While I regret that President Brand cannot be here, we certainly have a more than adequate stand-in in Wallace Renfro.

Wally is a graduate of Missouri State University, is committed to public and private higher education, and to the role that athletics plays at the college and university level. Please join me as he comes to present this year's 2009 State of the Association address, Wally Renfro. (Applause)

**Wallace Renfro (NCAA Vice President):** Thank you very much, President Adams, and good afternoon to the delegates at the 2009 NCAA Convention. It has been Dr. Brand's practice to write a paper each year on the State of the Association. From that, he and I worked on the speech that he will present at the Convention. You have received this year's paper as you entered today.

It is an expanded discussion on the challenges of commercial activity and a companion to this speech. This paper and speech is the result of significant thought, discussion and writing that Dr. Brand has given to the relationship of commercialism to sports, a relationship that exists because sports is a significant part of the human experience.

It is present in our lives from children's play to the most elite professional contests.

Our language is filled with sports metaphors, and we ease into deeper conversations by finding neutral ground in sports talk.

The relevance of sports to our global culture was made evident when China used the attention of the Olympics for two weeks in August to announce that it is moving back onto the world stage.

In America, we have developed a rich tradition for both participation and consumption. There are a variety of professional sports leagues in America from lacrosse to ice hockey, from soccer to football, from golf to basketball. Indeed, there are more than two dozen professional leagues.

But, as pervasive as professional sports has become in this country, college sports occupies a central place in the American culture. It has become integral to many of our universities and colleges, institutions which are the guardians of our traditions and histories and the harbingers of our futures. College sports generates a significant economic impact in communities all across the country.

The estimated annual budget for all of intercollegiate athletics is \$6 billion — a large number. But to help put that number in perspective, it should be noted that the total spent by athletics departments in America each year would not fully fund even two of this nation's largest public universities for a year, where annual budgets for a single comprehensive public research university range from \$3 to \$4 billion.

Unlike professional sports, however, the bottom line in the collegiate model is not the bottom line. It is not creating profits for owners and shareholders.

The reason America's colleges and universities sponsor athletics, for more than a century and a half now, is the positive effect participation has on the lives of the young men and women. We should feel good in knowing that college sports empowers these young people to become contributing members of their communities and country.

College sports rely on the hard and good work of many, and we should praise those who coach and administer intercollegiate athletics. Indeed, we could easily spend our time today citing the successes of intercollegiate athletics.

There are innumerable and wonderful stories that need to be told. Make no mistake: sports in college are very, very good, and we should all be unabashed advocates. Nonetheless, intercollegiate athletics is faced with issues it must resolve.

There are a number of ongoing challenges, academic reform in Division I, future strategic directions for Division III, and a dearth of diversity in hiring for coaches and administrators in all three divisions.

The key overarching issue for each of the divisions, in its own way, is the integration of athletics into the life of an academic institution.

There is both good news and ongoing frustration in all these areas. And there are serious efforts that must yet be made.

These issues are rarely subtle in their ability to grab our attention; but with persistence, they can and are being brought to manageable size.

But today, the focus will be on an even more exasperating challenge for intercollegiate athletics: the proper role for commercial activity. Indeed, there may be no more pressing issue for us over the next decade, especially as the economy constrains university and college budgets.

Our ability to understand both the necessity of monetizing the assets of college sports and the potential dangers of commercialism gone wild, and to find a proper balance that helps financially support as many participa-

tion opportunities as possible without swamping the principle of amateurism, may either ensure the place of intercollegiate athletics in higher education and the American culture or relegate it in many instances to third-rate professional sports.

If this issue has not already reached a crisis level, it is certainly approaching it. There are several reasons for that.

First, universities are accelerating their spending on college sports. For more than a decade, the rate of increase in athletics expenditures in Division I has exceeded the rate of increase in the general university budgets by a factor of three to four.

Revenues for athletics tend to increase faster than the general university budget. Yet, in recent years, they have not, on average, kept pace with expenditures. As a result, just six athletics programs in Division I have been in the black for each of the past five years.

In any given year, only five percent of the FBS programs operate in the black. Gate receipts, not an insignificant revenue source for some institutions, generally hold static.

Athletics cannot depend on increased gates to cover all of the increased costs. Where do the new funds come from in order to meet the increased expenditures? There are basically three potential categories: increased donor contributions; increased subsidy from the university general fund; and increased commercial activity.

Now, there is no question that Division I athletics directors have had to increase their efforts in fundraising. True, they have had some success. But there are natural limits, especially in times of economic downturn.

Moreover, the successes of athletics departments in fundraising is beginning to have consequences for the rest of the university; while philanthropy is not a zero-sum game, funds raised for athletics in some instances appear to be coming from those that in the past went to other parts of the university. Increased fundraising, while important, may not be the best solution.

Almost every campus subsidizes athletics, and there is nothing wrong with subsidization. The issue is, rather, whether the subsidy so burdens the rest of the university that there are adverse academic consequences.

Given the budgetary difficulties for many institutions, most especially those highly dependent on state allocations or tuition, continued large increases in subsidy for athletics is proving problematic. That, then, leaves increases in commercial activity to fund increased expenses in athletics.

The second reason why commercialism can be problematic is that there have been dramatic changes in the media, including especially the sports media, that have generated new and greater opportunities for commercial activity associated with athletics.

Nearly three decades ago, ESPN began solely featuring sports on TV. There is no doubt that ESPN has been highly successful; its initial platform has not only turned into an entire network, but it now includes print media, radio and importantly new media configurations. It is not an exaggeration to say that ESPN has shaped an entire generation in how sports are consumed.

Media presentation of sports, including college sports, is big, indeed, very big business. The desire of media outlets to obtain college sports content and to use it as programming to sell advertising sometimes seems limitless.

Media companies are quite willing to pay universities, conferences and the NCAA to present this content in ways that are attractive to audiences. The more attractive the sports are, the more media are willing to pay.

For colleges and universities, the issue goes beyond increased revenue. The broadcast presentation and distribution of a school's athletics events can increase its visibility and name recognition. Athletics is one good way to market the university.

Such successful marketing can result in higher application rates for the general student body, as well as campus morale and community building.

The third reason for increased commercialism is related to the expansion of the sports media. We are in the midst of a media revolution in which there are rapid changes in the modes of presentation and in how audiences consume media.

It was not that long ago when sports were featured only in the print media and three TV networks. Now, the options are almost without limit. Where television once opened us to the pictures and sounds of sports on one

screen, there are now three types of screens to watch: traditional TV, including network and cable, local and national; computer screens, which not only include live Internet presentations, but also animated sporting events through video games; and hand-held devices that permit mobile viewing tailored to the audience's taste and convenience. Indeed, video screens are becoming ubiquitous in airports, elevators, taxis — wherever you look.

There are expanding opportunities for universities to generate revenue by selling the rights to present and distribute their sporting events to these new media outlets. But the new media environment is highly competitive, and so expanded access becomes a condition for the sale of these rights.

Examples of expanded access include moving the games to nontraditional days of the week and adjusting the starting times to accommodate broadcast schedules. Access includes live interaction with coaches and student-athletes in order to bring the viewer "into" the game.

The confluence of the Internet and reality animation makes control difficult by content providers, namely us.

These three primary reasons explain why there is increased commercialism and why, at this time, the challenge of finding the right balance is critical.

How do we ensure continued revenue from commercial activity, especially when these monies are needed more than ever, without abridging the values and mission of higher education?

The central questions then become: What is the balance point between too much and too little commercial activity and how do we adhere to that balance point?

Aristotle argued for the doctrine of the Golden Mean. The virtuous path is one that avoids the excesses of the extremes. An example of such a virtue is courage.

Courage strikes a balance between debilitating fear and foolhardy disregard of danger. Aristotle did not claim that the right path is always the middle one, but warns us to avoid the ends of the spectrum.

In the case of commercialism, the extremes of unrealistic idealism and crass commercialism are not the right course of action, but between them, somewhere there is an acceptable balance point.

Finding this balance point, it can be argued, is the next greatest challenge we must address.

Some believe that college sports should be totally devoid of commercial interests. They believe the enterprise should be "pure," that only competition between student-athletes is relevant. Advertising and other commercial activities sully the contests and the contestants.

This idealistic approach may work in the cases of recreational and club sports, but not for competitive, organized sports, including intercollegiate athletics.

Training, coaching and competition are not free in the collegiate environment. Coaches work for salaries, equipment must be purchased, and travel to the competition and conducting the events can be costly.

Championship competitions, in which the best compete against their peers, are a key part of the collegiate athletics experience, and championships certainly are not free to conduct.

Some level of commercial activity, from nominal levels of local sponsorships to huge media and corporate contracts, touches every NCAA athletics program in the country regardless of division.

Without commercial activity, intercollegiate athletics as we know it could not exist. This is true even on the Divisions II and III levels.

A critical part of the Divisions II and III experiences is championship competition. Championships in these divisions are almost entirely supported by revenues generated from the Division I men's basketball tournament. Thus, the ability of Divisions II and III to conduct championships are based, indirectly at least, in commercial activity.

Every member of the NCAA has a stake in how commercialism is conducted in college sports. The only way to operate athletics on campuses without the revenues from commercial activity is to reduce it to recreational or club sports, without paid coaches or good equipment and facilities.

While that, of course, is always an option, the benefits of student participation in high-level, organized athletics; the branding and marketing of the institution through athletics; and the value to the community, including economic development, would all be lost. The loss of these benefits to gain pure idealism is unwarranted.

The higher education community has understood this equation for over 100 years. On the other hand, commercial activity can go too far and can subvert the values and mission of higher education.

Some critics of contemporary intercollegiate athletics argue that the problem is not commercialism itself, but rather the artificial limits placed on that activity by the higher education community.

Competitive success, they argue, is the goal of athletics programs. The reason we play the games is to win. Such success is costly, and is becoming more so over time.

Since there are limitations to institutional subsidy, athletics programs should pursue commercialism, no matter its form, to pay the bills.

Intercollegiate athletics, so goes this argument, should do all that it can to generate revenues — a no-holds-barred approach.

Surely, this extreme position is mistaken as well. Crass commercialism is no better than unrealistic idealism. Both are unacceptable extremes. There are commercial activities in which universities should not engage even if it generates substantial revenues for athletics.

A crystal clear example is that student-athletes should not be commercially exploited. They are students, not professionals. Exploiting student-athletes for commercial purposes is as contrary to the collegiate model as paying them.

There are several orthogonal parameters that must be understood in order to find the balance point for commercial activity. These parameters include the locus of responsibility for controlling commercial activity, the underlying types of activity relevant to college sports, and the potential for diminishing or eliminating cases of run-away commercialism.

There must be shared responsibility in the oversight of commercial activity. In particular, there are critical roles for the NCAA national office and there are critical roles for the individual campuses. Without this complementary exercise of control, there is little opportunity to obtain over-commercialism.

The role of the NCAA national office is to work with the membership to articulate the core principles that apply to commercial activity, and to disseminate these principles widely so that they are well understood within the college sports community and among the media and corporate sponsors.

The NCAA national office also has responsibility for conducting and managing the media rights for championship events, except BCS football. It, likewise, has the responsibility for implementing the principles governing commercialism in these championship events.

The role of the NCAA is to oversee its athletics programs and the events in which its teams participate, so that the core principles are followed. That includes educating its athletics communities, including those off campus, about the nature and limits of commercial activity.

Conferences also have a role to play. They oversee conference championships, and they negotiate media and corporate contracts on behalf of and at the direction of their conference members. In some cases, conferences combine their efforts to create multi-conference events, including football bowl games in Division I.

Generally speaking, then, the national office is operationally responsible for postseason national contests, and the individual campuses have responsibility for all the other intercollegiate contests, including those conducted by their conferences.

This is the system of shared responsibility. There are some who believe the NCAA national office should have oversight for commercial activity for all of college sports. It would not be a good idea, however, for the national office to exercise campus-based control of commercialism.

Local control permits each campus to take best advantage of its unique opportunities and to market and depict itself in the manner it judges most appropriate. The development, advancement and protection of an individual institution's brand ought to be within its purview.

If the NCAA national office were to assume this responsibility, it would become overly intrusive into the affairs of its member institutions. That is not a recommended course of action.

So, we understand that some level of commercial activity is necessary, even appropriate. But, we also understand that there must be a balance reached so that such activity does not overwhelm the values of higher education. And we understand that there is shared responsibility for finding and maintaining the balance point.

What, then, are the limits of commercial activity? What is off the table? What is not acceptable under any circumstances?

We need first to distinguish between two types of commercial activity. Namely, there is commercialism that directly involves student-athletes and commercialism that does not. The central structure on commercial activity concerns the exploitation of student-athletes. There must be a clear distinction between those activities that directly involve student-athletes and those that do not.

The NCAA Manuals for each division are filled with rules and bylaws that address the status and standing of student-athletes. Fundamental to that standing is that these are young women and men who are students and not professional athletes.

The justification for this premise, we must continue to emphasize, is straightforward: The underlying reason why universities support intercollegiate athletics at all is that it provides educational value for those students who participate. Thus, any adequate policy of commercial activity must ensure that student-athletes are not commercially exploited.

Call this the condition of nonexploitation. This condition is further delineated in the paper you received as you arrived today. When we say “student-athlete exploitation in commercial activity,” we should have a specific definition in mind.

Since student-athletes are amateurs, not paid professionals, they cannot accept payment for endorsing or advertising any commercial product or service. It also means they should not be put in a position in which the natural interpretation by a reasonable person is that they are endorsing or advertising a commercial product or service.

But most cases of exploitation are subtle and indirect. Instead of obvious product endorsement, the marketing can include game pictures, films, audio or video of student-athletes that make it appear to a reasonable person that a student-athlete is endorsing a specific commercial product.

The student-athlete may well have no knowledge or awareness that his or her reputation, image or name is being used for these commercial purposes. But exploitation may be the result, nonetheless.

Generation of much needed revenue does not justify the exploitation of student-athletes. We can, and we should, debate the nature of proper commercial conduct. However, one principle is not subject to debate: commercial exploitation of student-athletes is not permissible, period.

This is the clearest and most important line of demarcation between college and professional sports. In many ways, the two models are similar. But the key differences are that, first, the function of college sports is based on education while the function of professional sports is based on entertainment. And second, those who participate in college sports are students while those who participate in professional sports are paid employees.

It is critical to note that a sound definition of student-athlete exploitation does not include the promotion of most college athletics by institutions or charitable events.

Using pictures of student-athletes by athletics programs to promote the upcoming big game or to promote literacy by showing the athlete reading to young children is acceptable. The reason that these cases are acceptable is that they are not commercial, for-profit activities. There is a difference between charitable and university activities, on the one hand, and commercial, for-profit activities, on the other hand.

The other type of commercial activity in college sports pertains to instances not directly involving student-athletes.

There are numerous examples of this type. For example, there can be the sale of merchandise, such as clothing, that use the athletics department logo; or a coach might endorse a commercial product or service. The institution might sell signage within its athletics facilities, including scoreboard space, in order to advertise a commercial product or service; or an institution or athletics department might adopt a certain commercial product for a fee, say a brand of athletics shoes or soft drink.

This type of commercial activity, when properly conducted, does not exploit student-athletes.

The NCAA does not regulate this type of activity. It does not do so because that would intrude on institutional autonomy.

Some who are uncomfortable with the growth of commercialism focus on the tastelessness of some of these activities. They may find the quantity of institutional commercial activity within athletics venues overwhelming, noisy or inappropriate; or they may find that the products or services advertised are unbecoming for higher education.

In the latter case, the NCAA does have rules prohibiting advertising that is degrading of race or gender. But not all advertising that some find unacceptable is degrading.

For the two types of commercial activity, that which directly involves student-athletes and that which does not, should there be consistency among those who have responsibility for oversight? The answer is: yes and no.

Without question, there should be universal rules that apply to all who have oversight responsibility prohibiting student-athlete exploitation. These rules are not easy to formulate correctly, however.

Indeed, over the past several years, the NCAA governance structure has tried and quite frankly failed to do so. A recent attempt by a committee of presidents, it is hoped, will be more successful. Rules only make sense in this context if they are enforceable and if there are sanctions for noncompliance.

If we are serious about protecting student-athletes from commercial exploitation, and it is not merely rhetoric, then we must have enforceable rules and meaningful sanctions. Be assured that we have to be serious about this.

By contrast, the question of consistency in oversight for commercial activity not directly involving student-athletes has a different answer. Namely, there need not be consistency at the national, conference and institutional levels in commercial activity.

As a matter of fact, to require such consistency is to try to legislate taste, and trying to do that is at best foolish. True, not every ad or marketing ploy is appropriate, and we want institutions of higher education to use good judgment and not succumb to temptations for the outrageous or the overly provocative.

But within these boundaries, there is a great deal of room for disagreement, and trying to set national policy will only frustrate the goal of shared responsibility.

The NCAA national office takes a conservative approach to its oversight responsibilities for the championships. The national office has, and will continue to eschew advertising and other commercial activity that can be reasonably interpreted as offensive.

Championships are conducted in “clean” venues, in that advertising and signage are kept at a minimum and the highest standards of propriety are practiced.

In the case of venues and media presentation under the control of individual institutions and conferences, it is their taste that is controlling. There may well be differences of opinion about what is appropriate and what is too much, and these often are differences of taste rather than differences in principle. So be it.

Rules governing commercialism not directly involving student-athletes, therefore, are to be kept at a minimum. We already have rules about treating all people with respect, and against racism and sexism. Nothing more may be needed. Nonetheless, there are better and worse ways to conduct commercial activity on campuses, and on conference and national platforms.

Some ways better represent higher education than others. It is understood that commercial activity is undertaken to generate revenue. But it does not follow that the greater the flurry, the greater the revenue stream.

Good judgment and sound contract negotiations with the media and corporate sponsors is the key to revenue generation. Focusing on the special higher education features of college sports is more effective than emulating professional sports, with its strong entertainment focus.

While rules are not the answer, guidelines based on best practices make good sense in bringing order and propriety to commercial activity.

These guidelines should be in the form of recommendations to institutions and conferences, not enforceable requirements.

This solution is likely to be unsatisfying to some. They would like to have rules and accompanying sanctions for all commercial activity, whether or not it directly involves student-athletes. However, a balanced approach to commercialism recognizes the differences in regulatory conditions when student-athletes are and when they are not directly involved, and it takes into account differences in matter of taste.

The framework for commercial activity just described is based on a key premise: namely, issues surrounding student-athletes are central to any adequate policy for commercial activity in intercollegiate athletics.

Leaving aside radical critics of one orientation or another, there likely is widespread agreement with the condition of nonexploitation of student-athletes. But we also know that there is lack of agreement on how to apply this condition in particular cases.

Can we solve the problem of determining when student-athletes are exploited? Not easily, we suspect.

The first inclination is to try to develop an algorithm or mechanical rule that automatically gives the right answer. That approach seems doomed to failure. Obviously, a student-athlete cannot be depicted holding a product and saying, “Buy this.” But there is a great deal of gray area.

One recent attempt to provide a mechanical rule was to specify the percentage of space that can be devoted to advertising when a student-athlete is in the frame. But there are multiple factors that make it appear that the student-athlete is endorsing a product beyond the percentage of space devoted to it.

No matter how carefully such mechanical rules are crafted, wily advertisers would likely find a way within the rules to give the appearance of product endorsement. That would lead to revising the rules, and then new attempts to push the boundaries.

You can already see the NCAA rule book getting fatter. The point is that this type of regulation cannot be mechanical. Rather, what is required is the exercise of good judgment by sensible people who understand the rationale and purpose of the condition of nonexploitation. That is the only reasonable way to proceed.

Even so, we will not likely achieve agreement on every case. There will be borderline instances in which persons of good will, knowledge and experience will disagree. We need, in particular, a systematic approach to adjudicate cases in which it is alleged that there is student-athlete commercial exploitation.

In similar cases, when good judgment is required to apply NCAA rules, such as those regarding student-athlete eligibility, we depend on trained, national office staff. We should do so here, as well. Moreover, as we do in other cases, there should be an appeals process involving NCAA members that would review staff decisions.

In addition, there may also be the need for an oversight committee of membership peers that will review the landscape of commercial activity in intercollegiate athletics, make binding determinations of instances in which there is student-athlete exploitation even if NCAA amateurism rules are not violated, and evaluate trends in commercial activity to ensure that the values of higher education and the best interests of the “collegiate model” of athletics are not abridged.

The actions of such an oversight committee would both guide decisions of the staff and appeals body directly with regard to student-athlete exploitation and inform the membership when trends appear to be compromising the values of higher education and the collegiate model.

Marketing expertise and new media technologies have changed the landscape in which student-athlete images and names are used. We can expect those factors to continue to reshape the landscape.

Thus, our process of adjudicating the claim of student-athlete exploitation must be sufficiently forward-looking and flexible to take into account these factors.

It is incumbent on all to ensure that the national office staff and any oversight committee charged with undertaking decisions about student-athlete exploitation in commercial activity are knowledgeable and objective.

To sum up, then, at the highest level, there are two key principles that govern commercial activity in intercollegiate athletics. First, student-athletes are not to be exploited in commercial activity. Second, all such activity in college sports undertaken by universities and colleges, conferences and the NCAA national office must be consistent with the value and mission of higher education.

These two high-level principles must be translated into more specific NCAA legislative rules, as well as guides for best practices. That detailed, careful work is necessary to assist athletics and university administrators in conducting commercial activity properly.

There is no question that commercial activity is necessary for mounting intercollegiate athletics programs, certainly in Division I, but also in Divisions II and III. But that activity must be undertaken within the context of higher education. It must be done the right way.

Contemporary marketing practices of college sports by the media and by corporations can unintentionally, and sometimes intentionally, abridge these two principles.

It is not easy, at times, for the college community to protect intercollegiate athletics. The answer is to use regulation when clear prohibitions are evident, exploitation of student-athletes, for example, and apply values-driven judgment when flexibility is required.

We must not be lured into forced algorithmic solutions, which merely present a puzzle to be solved by those

who want to take unfair advantage of student-athletes. Rather, there needs to be a process by which experienced, objective and careful judgment resolves the issues.

The NCAA staff should play that role in interpreting rules pertaining to student-athlete exploitation. But, as we also do in other cases, there also needs to be an appropriate appeals process and oversight of staff decisions.

College sports are incredibly popular among fans and within the higher education community, and for good reasons. It consists of athletics contests among earnest young men and young women, who are students representing their colleges and universities.

There is a sense of exuberance, as well as high-quality performance, which is characteristic of intercollegiate athletics. We should do everything we can to protect this significant enterprise. But reality imposes itself.

Almost every university and college must provide financial subsidy to conduct intercollegiate athletics. To help meet these costs, revenues from commercial activity are required.

The objective, then, is to determine the balance point, all factors considered, between crass commercialism and unrealistic idealism. Once that occurs, we will be able to move forward in the conduct of intercollegiate athletics with a clear conscience.

Intercollegiate athletics has become an integral part of college life and culture. Given the educational value of participation in athletics, it is important to not sell this great enterprise short. But it is immoral to sell it out. We must do the right thing. Thank you very much. (Applause)

**Mr. Adams:** Thank you, Wally, for sharing President Brand's thoughts on the State of the Association and the challenges that he has identified for the future, and most specifically for your and his comments on the role of commercial activity today in intercollegiate athletics.

### NCAA PRESIDENT GERALD R. FORD AWARD

Just as Wally has had the role of filling in for Dr. Brand and presenting the State of the Association address, I now have the pleasure and the responsibility to fill in for Dr. Brand in presenting the annual NCAA President Gerald R. Ford Award.

This award was created in 2003 to honor an individual who has provided significant leadership as an advocate for intercollegiate athletics on a continuous basis over the course of his or her career.

Today's honoree, the seventh individual to receive the award, more than exemplifies that requirement.

Gerald R. Ford served America as its President during one of the most tumultuous periods of this nation's political history. He was a student-athlete at the University of Michigan, where he participated on the national championship football teams in 1932 and 1933.

It was there at one of America's great universities that he acquired the qualities that he would exhibit throughout a career of public service. Those qualities — integrity, discipline to purpose and sacrifice for the greater good — served him in a presidency begun in controversy and requiring great strength of character.

At a time when confidence in the office of the President and the role of the government was at a low ebb, President Ford healed the nation with his simple declaration, that our long national nightmare was over. And so it was.

He has been and will continue to be through his life an example of how participation in intercollegiate athletics can shape leaders for critical times.

Billie Jean King, the 2009 recipient of the President's Award, is another individual who in many ways found herself thrust upon the public stage at an important moment, a moment that would redefine what we think about sports in America.

Already a well-established tennis superstar by 1973, the record 20-time Wimbledon champion had also become an advocate for women's rights, including better prize purses for professional women tennis players. Her argument was clear and undeniable. Women were under-rewarded for equal ability and efforts.

In that year, she was challenged by former men's tennis champion Bobby Riggs in what became known as the battle of the sexes. Riggs had declared that no woman could beat him in tennis. Boy, was he wrong. King was

victorious in the nationally televised match played before a huge audience in the Houston Astrodome.

They needed the biggest place they could find for what would prove to be a seminal moment in sports.

Since then, Billie Jean King has worked tirelessly for equal opportunity for women in sports, and as symbolically important as the match with Riggs was, many would argue that her greatest contribution was the next year when she founded the Women's Sports Foundation, an organization that continues to fight for equal rights and to secure equal opportunities for women in sport at all levels.

In the past 34 years, the Foundation has awarded more than \$50 million in educational and cash grants to advance participation, research and leadership in sports and physical activity for girls and women. Simply put, Billie Jean King is one of those rare individuals who, though first acquiring the reputation through her athletic accomplishments, transcended sports to make a difference in the lives of countless individuals.

She is reported to have told her mother at age five, "I am going to do something great with my life." And I believe that she has.

Join me as we acknowledge on the screen the role of Billie Jean King.

[Note: The delegates watched a video about Ms. King.]

Ladies and gentlemen, please join me in congratulating the 2009 recipient of the NCAA President Gerald R. Ford Award, Billie Jean King.

[Note: The delegates extended a prolonged standing ovation.]

## **REMARKS — BILLIE JEAN KING**

**Ms. King:** Thank you, thank you. Thank you so much. That is beautiful. I will be right there, Mike. Thank you all very much.

**Mr. Adams:** We are so proud of you.

**Ms. King:** Thank you so much. Wow. I am used to tournaments. You have got to get used to this. Thank you. This is beautiful. It is gorgeous. Thank you so much.

It is so wonderful to be here, and I want to thank President Adams for introducing me, and like all of us, I want to extend our best wishes to President Brand right now particularly, and to thank him for honoring me with the NCAA President Gerald R. Ford Award. It means so much to me. I can't tell you how much.

President Adams and Wally Renfro, thank you for stepping up. You are great team players. Helping out there, I think is wonderful. I don't know if you realize I have been to the University of Georgia to the NCAA men's championships, and it is a fantastic experience, and I really appreciate it.

It is great for not only the players but fans like me, now that I am mature. I am 65 in case you are guessing. I was born in 1943. OK? (Laughter) To JoJo Rinebold and to Nathan Arkins, and everyone at the NCAA, it takes so much work to put this conference on, and I want to thank each and every one of you for making it possible because it makes such a difference.

Anyway, what I am trying to say is everybody at the NCAA, you rock. OK?

I also would like to thank Karen Durbin, the new CEO of the Women's Sports Foundation for being here. It is fantastic.

Then, when I was looking at the list of honorees in the past, I went, "Wow." I couldn't believe it, because there are three people who really mean a lot to me personally. That is Christine Grant, who was a recipient in 2007. She is such a guru and she understands Title IX so well, and I always go to her for help. She is just a hero of mine for all the work she has done.

To my hero, Senator Birch Bayh, who I had the privilege of seeing on occasion and thanking him for his public service to all of us throughout the years, but also June 23, 1972, is a very important year because that was the passage of Title IX. He led the Senate, and I am forever grateful and so many of us are forever grateful for his leadership throughout all of his public service to all of us in this country.

Then, of course, to Coach Wooden, you know it is like this (indicating). I just love him because he is so wonderful about the disciplines of life and how wonderful he is to the whole person, the student-athlete and not just

the sports part or just the education. He knows that together they create a unique experience.

In 1972, he and I shared the cover of Sports Illustrated as the Sportsman and Sportswoman of the Year. So, those were special moments when we had photos together, and I will never forget that as long as I live and how special that is to me.

Of course, President Ford, what can we say? In 1975, Arthur Ashe and I were invited to the White House by President Ford. Arthur and I walked in and both of us had Afros, but one was for real. Guess who? And one had a perm? Guess who?

So, I was trying to do my black is beautiful statement in those days in 1975, so I wore my little Afro for a few months. Of course, my hair couldn't take it, but it was a good experience.

But we talked with President Ford and he was such an inspiration to Arthur and me, because we talked about education in sports and how much it helps us to get ready for real life and throughout our lives. I just remember Arthur and I leaving and saying, "Boy, we really want to be able to serve more to this world because of people like President Ford."

So, this is such an honor for me. You have no idea because of my relationship with President Ford. It is interesting, because sports take us to a place that is so special, that it is so hard to even describe in words. But for me personally, it is about integrating mind, body and soul.

It is about learning to accept responsibility. It is learning about staying in the process in the now when times are difficult and you have to focus. It teaches you about your character, because character has to be revealed, and it teaches you about your own self.

It is amazing how it transforms knowing the person that is doing it, but it also connects us. It truly connects us, and one of the things I think more than anything today with young people wanting instant gratification, it teaches us about delayed gratification.

Delayed gratification is a very important process of life. It teaches us to appreciate, it teaches us to work hard. It teaches us that you can't always win, and it teaches us so much.

When I was 12 years old, I had an epiphany. I promised myself the rest of my life would be dedicated to helping create equal rights and opportunities for boys and girls, men and women.

I had only played tennis one year by then, but I knew that it is what I wanted to do with my life. That was a very important moment for me, and I will never forget it.

I was fortunate to attend and have many student-athlete experiences at California State University at Los Angeles. I am so pleased to have Dr. James Rosser here today, president of the university, and also the athletics director, Dan Bridges, and some of his associates to share this moment today.

So, I want to tell you a little bit about my experiences back in the really old days. You have to understand this is the early '60s. That is the decade before Title IX was passed, but I had my collegiate experience while there. The men's team at Cal State was competing in the NCAA Small-College Division. Our team, the women's team, played, and I have got to actually look at this one, in the Southern California Collegiate Women's Tennis League. Our total annual budget for the women's team was \$425.

As a woman, I had two jobs, and I thought it was such a privilege at that time to have two jobs and help pay for tuition and books, and living expenses. I worked as a playground director at an elementary school, and I also checked out equipment in the locker room at Cal State L.A.

This equipment one, this is the only job that I thought the hands on the clock were going backwards. I cannot tell you, I thought, "OK, this is good feedback for what I don't want to do." But you know what, I really thought I was living large, and I was. That is how I embraced those moments in my life.

But I must say down the road at UCLA, Arthur Ashe was on a full ride. At USC, Stan Smith, who later became No. 1 in the world, was also on a full scholarship. Then about a few years later, my brother, Randy Moffitt, got a scholarship at Long Beach State, and if you don't know my younger brother, Randy Moffitt (Moffitt is my birth name), played professional baseball.

Most of his years were with the San Francisco Giants. He was a relief pitcher, a good slider, horrible corn-ball according to him, but you baseball guys know what I am talking about. He also played with the Astros and the last year or two with the Blue Jays.

He happened to be on a team that could not hit their way out of a paper bag, so as a pitcher you can imagine the pressure. As a relief pitcher, every day when he would go to the mound, it was rough, because, you know, the Giants in the '70s won like one to nothing, two to one. So, if you are a relief pitcher, you are feeling a lot of heat.

My dad was a firefighter, so this was OK. He was used to the heat.

Also, I was dating this guy named Larry King at Cal State — no, not that Larry King. Even though Larry King had five boys, I could have been. But no, no, no. Larry is the one that made me a feminist. It is all his fault, because we were walking along, actually right next to the tennis courts at Cal State L.A., and we were holding hands and were talking, and all of a sudden, he stops and steps away and says, "You are a second-class citizen."

I said, "What?" He said, "You are a second-class citizen." I said, "Why are you talking this way?" He said, "Well, you are an athlete in the school and best known in the school and all these things, and I am the seventh man on a six-man team," and he was hysterical. He was so funny that day that I will never forget it.

I am listening. He said, "Look, I have got a grant for my science." He was a biochemistry major. You know, we played tennis and he was getting all this help. He said, "What is the reason you are not getting any help? It is because you are a woman." So, he made me a feminist at that moment. It is all his fault. So it took my boyfriend, my former boyfriend and husband to wake me up.

Anyway, I was so lucky. I had two great coaches at Cal State L.A. I had the men's tennis coach, Scotty Deed, and Dr. Joan Johnson, the women's coach. They were the best. Guess what? They let the men and women practice together every day from 2 to 5. That was one of the greatest experiences in my life.

Many are still my friends. Scotty and Joan are still dear friends to me to this day, and almost all the women at Cal State L.A. went on to play really absolutely at the highest level of our sport at the time.

I am so pleased that the NCAA experience has been expanded to provide more than 400,000 student-athletes one of the most rewarding experiences in a lifetime. As the message says, almost all of them will go pro in something other than sports. How true, how true.

Let's look at one of the recent graduates who is making her mark. Her name is Jessica Mendoza. Many of you may know her. Get this: sports saved her father from a life in the gangs in southern California, and he made sure sports was a big part of her life.

Gil Mendoza taught her softball and she used the opportunity presented to her through Title IX to be a champion. She graduated from Stanford in 2002 with a degree in American Studies, and was a two-time All-American. She is a two-time Olympic medalist, a gold medal, and now they call the silver a white gold. That is to make you feel good.

She conducts softball camps and clinics for young girls, and she is the new president of the Women's Sports Foundation.

Jessica is just beginning her journey. You will hear a lot more from her, I think. She is a mentor, she is a leader and she is a winner.

On the sports side, I urge you and I am pleading with you not to abandon lifetime sports at your institution. You have to make some hard decisions. I really want you to think about this, because I am totally prejudiced. Yes, tennis is a lifetime sport, but I grew up in basketball and team sports first.

So, I have a little bit of an overall picture. Tennis was my last sport that I ever played, and I am telling you, please, please, because when you keep lifetime sports in your institution, in your school and your college and university, you are giving the gift of health, the gift of health to the future generations of young men and women, and health is a huge issue in this country today.

So, I would like you to just think about it if you have a choice, because I know it is difficult.

I want to thank you for continuing, each and every one of you, for continuing to level the playing field, for your efforts to erase homophobia in collegiate sports and making sure all student-athletes are treated with respect.

In other words, let's get rid of all the cards — the gender card, the race card, the disability card. Whatever card it is, get rid of it except the scorecard. Keep the scorecard.

I want to thank you also for enriching the lives of your student-athletes and their families. I want to thank you so much for that. I want to thank each and every one of you for creating opportunities for our student-ath-

letes that will allow them to enrich the lives of others. I want to thank you for providing programs to make our student-athletes better citizens of the world.

I know it is tough in today's environment. The challenges create opportunities. Challenges create opportunities.

As the award-winning actor Gregory Peck said, "Tough times don't last, tough people do."

I want to thank President Brand, President Adams, Wally Renfro and the NCAA for this honor. I want to congratulate each of you for making a difference in the lives of your student-athletes and enabling them to be champions in life.

Thank you. Go for it, and remember pressure is a privilege. Thank you all very much for your kindness, and I am so happy I am here. Thank you for all you do. (Applause)

**Mr. Adams:** Ladies and gentlemen, I think Billie Jean can tell from your reaction how much you appreciate her and the many contributions she has made to sports in general, and particularly to women's sports.

I know you join me in acknowledging what an honor it is for us to be able to have her with us today.

Before you leave in just a moment, I need to remind you to not forget the Honors and Delegates Celebration that takes place this evening, again another highlight of the Convention, at the Newseum in downtown Washington. Buses will begin loading shortly outside the Maryland Ballroom, which is to the right as you exit.

You must have your convention badge, and it will be checked, both to board the bus and to enter the Newseum this evening. If you have not been to the Newseum before, it can take about as much time to go through as you wish. It is a very interesting set of exhibits, and some of you may want to go ahead pretty soon and make your way to the Newseum. The actual formal program in which we will all engage will begin tonight at 7 p.m.

So, if you want to see much of the Newseum, you probably will want to go ahead. Also, we ask you to please refer to the Convention Schedule for details regarding your divisional business sessions and forums during the remainder of the week.

Ladies and gentlemen, we thank you very much for your time and your attention this afternoon. Enjoy the Convention, enjoy your time in Washington, D.C., and thanks for coming. This session is adjourned.

[The Opening Business Session was adjourned at 5:30 p.m.]

# HONORS AND DELEGATES CELEBRATION

## THURSDAY, JANUARY 15, 2009

The 44th NCAA Honors and Delegates Celebration, held at Newseum, Washington, D.C., January 15, 2009, was called to order at 7:30 p.m., with Master of Ceremonies Jack Ford presiding.

The Voiceover: Please welcome Emmy Award-winning television news personality and this evening's Master of Ceremonies, Jack Ford. (Applause)

### WELCOME

**Mr. Ford:** Ladies and gentlemen, good evening, and welcome to this, the 44th annual NCAA Honors Celebration. It is my honor once again to be your host for this very special evening in our nation's capital city.

I want you to know that NCAA President Myles Brand sends his sincere regrets for not being able to celebrate with you here this evening, but he also extends his hearty congratulations to those most deserving 2009 honorees, whom we are going to learn more about in just a few moments.

As you look around, you hear this cutting-edge venue and progressive event format, refreshing changes that seem very appropriate at this exciting time in our history.

Before I go any further, I would like to introduce to you a gentleman who can officially welcome you to this beautiful venue, and to this great city. Please welcome the NCAA Leadership Advisory Board member and CEO of this magnificent Newseum, Charles Overby. (Applause)

### REMARKS — CHARLES OVERBY

**Mr. Overby:** Good evening and welcome to this Newseum. There is not another Newseum in Washington or the world like this, and I want to commend all of you for being different from all the groups that come in here.

We host two to five groups a week in here, and I want you to know that almost every group when they come in go right to the bar and that is as far as they ever go. I watched and I went on every floor, and I watched you move around this Newseum, and I am so impressed with your intellectual curiosity. I would expect no less.

I just want to say that I hope you will understand as you move through here the mission of this Newseum, which is to educate and inspire people, young and old, about the history and freedom of this country and this world through a free press.

We believe this is a fun place to be and it has attracted hundreds of thousands of people already. We hope you have a great time here.

We are honored that the NCAA Honors and Delegates Celebration of Excellence would be here. We are glad you are here. Thank you. (Applause)

**Mr. Ford:** Those of you who have been here before know that this is a very special event each year, but tonight we have a very special presentation that we want to make, and to do that I would like to introduce to you Greg Shaheen, Senior Vice President of Basketball and Business Strategies for the NCAA. (Applause)

### JIM MCKAY SCHOLARSHIP

**Mr. Shaheen:** Before we introduce you to this evening's NCAA honorees, we are excited to be able to make a very important announcement that is fitting in light of the surroundings where we are this evening.

In June of last year, we lost an icon in the sports and journalism world who was more than just a journalist. Jim McKay was a voice of sports and a masterful story teller.

Tonight, the NCAA honors his life by announcing the establishment of the Jim McKay Scholarship. This annual postgraduate scholarship for one male and one female student- athlete will recognize outstanding academic achievement and potential to contribute to the sports communications industry.

Jim McKay transcended sport, and we celebrate his legacy through NCAA student-athletes and future sports journalists. Let's take a look at the following video.

**The Voiceover:** To so many fans today, ‘sport’ is all about numbers, and by the numbers alone, Jim McKay’s career in television is worth honoring.

He was the face and voice of 12 Olympic Games and helped create the love Americans have for that event.

Jim McKay was the host from the very beginning in 1961 of ABC’s Wide World of Sports, and was the author of those immortal words, “The thrill of victory and the agony of defeat.” He traveled more than four and a half million miles to 40 countries and covered more than a hundred different sports.

And all those future Jim McKay Scholarship recipients will surely hear the story of how Jim McKay sat down at the anchor desk at the 1972 Munich Olympics and, for 16 consecutive hours, calmly guided Americans through the most dramatic and tragic day in sport history.

Yes, by the numbers alone, Jim McKay is surely worth honoring. But the Jim McKay Scholarship recognizes a man whose legacy goes far beyond describing games. He told us stories, not about sports but about people. He introduced us to new cultures, and he showed us how sport can open doors around the world. Jim McKay was a story teller and nobody ever did it better.

In the years to come when NCAA student-athletes receive the Jim McKay Scholarship, they will know that they are following in the footsteps of a pioneering broadcaster who helped us understand that sport can be about much more than running and jumping and sticks and balls. Jim McKay helped us all to understand that sport, more than anything, is about people.

**Mr. Shaheen:** Joining us tonight to speak on behalf of Jim McKay’s family is Jim’s son, Sean McManus, president of CBS News and Sports. (Applause)

#### **REMARKS — MR. SEAN McMANUS**

**Mr. McManus:** Thank you very much. I can’t tell you how honored and pleased my father would be to receive this award. My father had a lot of passions in life, but two of his greatest and most consistent passions were education and athletics.

My dad loved history, he loved to read, he loved books. He never went to an assignment, as you saw in some of those clips, an assignment with ABC Sports without learning about the country that he was going to. He loved language. He studied Greek and Latin. To this day, I promise you when I hear somebody say between you and I, I say no, that is between you and me. My father hated bad language and he thrived on it.

Part of his success was that he was a great wordsmith as you just saw. He had a great knowledge of the English language. He loved the English language.

But I will give you just one quick story of the different perspective of how I learned what a great wordsmith he was. When I was in the sixth grade, one of my friends, Adam Gross, I hate to say this, but he got his hands on a Playboy magazine and brought it over to my house.

We were looking at it and I put it under my bed, and my mother, who was making my bed the following morning, found the Playboy magazine. I thought, “Oh, my God. I am in trouble.” She said, “Your father will talk to you about this later, young man.”

So, all day long I am thinking, “What is he going to say to me? He is going to just tear into me.” So, we were playing pool in our basement that evening, and I am thinking, “It is coming, it is coming.” So he was taking a shot with his pool cue and he looked up at me and he said, “Sean, I understand you and Adam were exploring the wonders of the female anatomy this morning.” I said, “That’s a pretty good way of saying it.” So, he loved words and he had a way of saying words. He also loved athletics.

He chose to focus, however, on the positive side of athletics. He wasn’t naive. He knew there were a lot of bad things about athletics. He saw the materialism and all the corruption, but he chose to focus on the positive of athletics. He loved the underdogs; he loved the good guys and he loved the men and women of character in sports. He chose to focus his career on those people. That is part of the reason he loved the NCAA basketball tournament so much.

In his latter years when he wasn't working, at noon on that first Thursday, he was in front of the screen and he was there until midnight when it went off the night of that first Thursday. He loved that sport because it represented the best in athletics.

He would occasionally call me and say, "Listen, I am in Maryland. I should be seeing the Duke game and not the Boston College game." He would criticize our switches like everybody, but he still loved the job he did.

He loved Notre Dame football. I remind you that is an NBC package and not a CBS package. So he really did have a great combination of a love of knowledge, a love of athletics and a love of what those two could do together.

So with all the Emmy Awards he won, and he won a Peabody Award and he won a George Polk Award, I can tell you tonight this award would mean absolutely as much and maybe more than any of those awards ever meant to him.

I thank the NCAA, especially Myles Brand. I know it was Myles' idea to do this, and I know that Myles can't be with us tonight, but on his behalf and my family's behalf, I cannot tell you how much he would appreciate this.

If he were here today, he would say of all the recognitions he has received in his life and all of the things that symbolize what he was all about as a man and as a broadcaster, this award maybe symbolizes that better than any award he has ever gotten.

So, from the bottom of my heart and from the bottom of his heart, I can't thank you enough for this great honor. Thank you. (Applause)

## NCAA 2009 TOP HONOREES

**Mr. Ford:** It is now time to meet our very special 2009 Honorees.

We have an exceptional and unique group of award winners this year. These honorees span generations, from a leader in international relations to those just getting ready to make their and everyone's impact on the world.

Each of tonight's honorees has stressed how important the support of their own communities, including family, their team, their fans and their institutions, has been to their success. But, they have gone a step further to impress upon us how personally meaningful it has been to give that support back, both to those closest to them, and to their communities.

This is indeed a group for whom the term "pillar of the community" is a badge of honor they wear quite proudly. The 2009 honorees aren't just champions on the field, the court, the mat or the track; they are indeed champions at home, in their communities and in life.

Tonight, we will recognize the NCAA Top VIII outstanding student-athletes who have completed their eligibility and the NCAA Silver Anniversary Award recipients, six distinguished former student-athletes on the 25th anniversary of completing their athletics eligibility.

We will also present the NCAA Inspiration Award, an honoree whose story will certainly move you. And finally, we will present the NCAA's highest honor, the Theodore Roosevelt Award, an honor that has been bestowed on Presidents such as George H.W. Bush, Gerald Ford and Dwight Eisenhower; innovators like John Wooden and Paul Tagliabue; and world-class athletes like Althea Gibson and Jesse Owens.

Each recipient of these honors now will receive an award that has been designed with the NCAA's five founding principles in mind: amateurism; institutional control and responsibility; sound academic standards; governing financial aid; and governing recruiting.

Ladies and gentlemen, at today's Opening Business Session of the 2009 NCAA Convention, the Gerald R. Ford Award was presented to a person who has shown significant leadership during her career as an advocate for intercollegiate athletics.

She is a world-renowned women's athletics equal rights advocate and was named one of the NCAA's 100 Most Influential Student-Athletes. Ladies and gentlemen, please welcome and congratulate the great Billie Jean King. (Applause)

Next, please, ladies and gentlemen, I ask you to help me thank Committee Chair Timothy Gleason, from the Ohio Athletic Conference, and the members of the NCAA Honors Committee for their extraordinary work in selecting tonight's distinguished award recipients. Members of the committee, please stand. (Applause)

## **2009 NCAA INSPIRATION AWARD**

The first award to be presented tonight is one that is reserved for incredible people who, when confronted with a life-altering situation, used determination and commitment to overcome an obstacle, and in the process serve as a role model to others.

When a traumatic injury during competition left this young woman unable to continue pursuing her dream of being a world-class ski racer in the traditional sense, her desire to continue to ski, graduate from college and lead a meaningful and rewarding life took over.

Although she had to take a semester hiatus to work doggedly at her rehabilitation, she came back to Middlebury College and took a full load of classes to graduate with her class in 2008. She has even returned to the slopes on a special mono ski.

She has since gone on to establish the Kelly Brush Foundation, which raises funds to improve ski racing safety and help those with spinal cord injuries and is already making a tremendous impact.

Recently, Kelly moved to Connecticut to begin her own career at ESPN.

Ladies and gentlemen, please welcome the 2009 NCAA Inspiration Award Winner, Kelly Brush. (Applause) Presenting Kelly's award tonight is Erin Quinn, Middlebury College director of athletics. (Applause)

### **REMARKS — KELLY BRUSH**

**Ms. Brush:** I guess I would just like to say thank you very much to the NCAA. Thank you, Erin, for presenting this award, for giving me this opportunity. I would like to thank my family, first and foremost, and my boyfriend, Zeke. They have all been here throughout my entire life, this whole ordeal. I would like to thank Middlebury. They have been incredibly supportive.

Erin, and both my coaches at Middlebury, Stever Bartlett and Forest Carey, have been role models supporting me throughout this and, you know, helping me do everything that I have been able to do.

Everybody who has supported my foundation that I have started, anybody who has given to that or participated in our events, they have all been great.

You know, it is really wonderful to hear my story, you know, sort of spelled out the way it has been, and it sounds so youthful. To me, I was just sort of thrown into this situation where, you know, this happened to me and I had no other choice, and I just continued to live my life the best way that I know how. I continued to do everything that I love, keep skiing.

I went back to Middlebury and graduated with my class, and I didn't really know how to do it any differently. I am very happy I have been able to inspire people. I hope that I can continue to do that through the years.

So, thank you very much to the NCAA for putting on this event and everybody else who has been involved. So, thanks. (Applause)

## **THE NCAA 2009 TOP VIII AWARD RECIPIENTS**

**Mr. Ford:** Our next group of honorees has recently completed their eligibility as student-athletes, concluding stellar careers both in the classroom and in intercollegiate athletics competition. They include NCAA champions and United States National Team participants. They also include NCAA postgraduate award winners, future doctors, lawyers and business leaders. At this time, let's introduce you to the 2009 NCAA Top VIII Award recipients.

*Yael Averbuch, University of North Carolina, Chapel Hill*

You will find our first Top VIII honoree making her presence known on both sides of the soccer field as an All-America midfielder who looks forward to joining the inaugural Women's Professional Soccer League this

spring. She was recently named the 2008 National Soccer Coaches Association of America and Adidas Women's Collegiate Scholar Athlete of the Year.

Ladies and gentlemen, from the University of North Carolina, Chapel Hill, two-time national champion soccer standout, Yael Averbuch. (Applause)

Presenting Yael's award is John Blanchard, senior associate athletics director, University of North Carolina, Chapel Hill. (Applause)

*Kirby Blackley, University of Findlay*

Our next Top VIII Award recipient holds two outdoor track and field national titles, 14 conference titles, eight school records and earned both a bachelor's and master's degree in just five years. She was named the 2008 NCAA Division II Women's Track Athlete of the Year.

Please join me then in congratulating an athletic and Academic All-American from the University of Findlay, Kirby Blackley. (Applause)

Presenting Kirby's award is Steven Rackley, director of athletics at the University of Findlay. (Applause)

*Dylan Carney, Stanford University*

Our next Top VIII honoree is a five-time All-American, who led the Cardinal to a national runner-up finish as a senior captain. He is a recipient of the 2008 NCAA Walter Byers Postgraduate Scholarship and was a 2007 Rhodes Scholarship finalist. The three-time Academic All-American earned bachelor's and master's degrees in biological sciences at Stanford and is now putting his dedication toward his medical degree.

From Stanford University, Dylan Carney. (Applause)

Dylan's award is being presented by Bob Bowlsby, director of athletics at Stanford University. (Applause)

*Gregory Micheli, Mount Union College*

A naturally driven student and athlete, this Top VIII performer closed out a tremendous senior season, winning the Gagliardi Trophy as the top all-around football player in NCAA Division III, and was a finalist for the Draddy Trophy, otherwise known as the Academic Heisman.

He was named an Academic and athletic All-American and the College Division Academic All-American of the Year. All of this while leading the Purple Raiders to their 10th national championship, where he was the Stagg Bowl Most Outstanding Player.

Ladies and gentlemen, from Mount Union College, Gregory Micheli. (Applause)

Presenting Greg's award tonight is Dr. Richard Giese, president of Mount Union College. (Applause)

*Kristi Kay Miller, Georgia Institute of Technology*

Now, our next Top VIII honoree has so many different athletic and Academic All-America titles, it is impossible to name all of them. Playing in the No. 1 singles and doubles slots for all four years of her collegiate career, she also found the time to graduate with a perfect 4.0 GPA, and volunteered extensively to her school and community. She is the epitome of a well-rounded student-athlete.

She is Georgia Tech's career record holder in singles and doubles wins and the 2008 CoSIDA/ESPN the Magazine Academic All-American of the Year. She is continuing to pursue tennis while looking forward to attending law school in the future.

From Georgia Institute of Technology, Kristi Kay Miller. (Applause)

Presenting Kristi's award is Theresa Wenzel, assistant director of athletics at Georgia Institute of Technology. (Applause)

*Louie Sakoda, University of Utah*

Fresh off a huge Sugar Bowl win, our next Top VIII Award recipient has had something of a whirlwind winter. He was a finalist for that Draddy Award we mentioned before, honoring his academic and athletics achievements, finalist for the Lou Groza Award for his place kicking, for the Ray Guy Award for punters, and one of only nine players to be chosen as a unanimous All-American. With a marketing major, a long list of community

service and a golden foot, there is a bright future ahead for this young man.

From the University of Utah, Louie Sakoda. (Applause)

Presenting Louie's award is William Smith, associate dean for diversity/access in equity and the faculty athletics representative of the University of Utah. (Applause)

*Katy Tafler, Grand Valley State University*

As a Canadian youth soccer standout, our next honoree had a lot to think about when deciding where to go to college. She chose to come to the United States and has been an invaluable member of Grand Valley State's soccer squad and community since she arrived on campus. Named the Daktronics Midwest Player of the Year for the third consecutive year in 2008, she is ranked third in both goals and points in Division II history.

From Grand Valley State University, Katy Tafler. (Applause)

Presenting Katy's award is Paul Leidig, director and professor, School of Computing and Information Systems, Grand Valley State University. (Applause)

*Angela Tincher, Virginia Polytechnic Institute and State University*

Our final Top VIII Award recipient is as fearsome in the classroom as she is on the pitching mound. This summa cum laude graduate has already been accepted to business school and is pursuing a professional softball career.

She is an Academic All-American who ranks third in strikeouts in NCAA history. She was the Honda Sports Award winner, USA Softball National Player of the Year, and winner of the Lowe's Senior Class Award. With a storied collegiate career behind her, she has indeed limitless possibilities ahead.

From Virginia Polytechnic Institute and State University, Angela Tincher. (Applause)

Presenting Angela's award is Sharon McCloskey, senior associate director of athletics at Virginia Polytechnic Institute and State University. (Applause)

It has indeed been a pleasure to honor each of you tonight. Future NCAA student-athletes will undoubtedly benefit from all of your dedication and commitment to excellence over the years. In fact, if your college careers are any indication, we are likely to see you here in 25 years as Silver Anniversary recipients.

Our thanks and congratulations to all of you. At this time, I will ask you to take your seats. Thank you. (Applause)

## **NCAA SILVER ANNIVERSARY AWARD RECIPIENTS**

The next group of honorees we meet tonight are the NCAA Silver Anniversary Award recipients. The Silver Anniversary Award recognizes former student-athletes on the 25th anniversary of the completion of their athletics eligibility.

Tonight's Silver Anniversary honorees have excelled at teamwork their entire lives, from their family to their community to their athletics squad, and now to their business associates. They are leaders, friends, advocates and supporters, indeed consummate teammates. Let's now meet our 2009 NCAA Silver Anniversary honorees.

*Deitre Collins-Parker, University of Hawaii, Manoa*

Our first Silver Anniversary honoree is a former member of the U.S. National volleyball team and the starting middle blocker for the 1988 Olympic team in Seoul, South Korea.

As a collegian, she led her team to consecutive national titles and a 110-5 record in her final three seasons. She capped off her career as the Honda Broderick Cup recipient, given to the nation's best collegiate athlete in all sports. She still holds the record for solo blocks in one NCAA tournament, 15 of them back in 1982. And she was one of six players named to the NCAA Division I Women's Volleyball 25th Anniversary Team in October 2005.

She has continued her volleyball success in her accomplished coaching career at Cornell University, where she has won three Ivy Group championships.

Ladies and gentlemen, from the University of Hawaii, Manoa, Deitre Collins-Parker. (Applause)  
Presenting Deitre's award tonight is Jim Donovan, director of athletics at the University of Hawaii, Manoa.  
(Applause)

*Mark Fusco, Harvard University*

Both an Olympian and a Hall of Famer, our next Silver Award honoree has scored as much in business as he did on the ice.

After scoring 46 points in 33 games for Harvard during the 1982-83 season, he became the first Crimson skater to earn the Hobey Baker Memorial Award as the top college hockey player.

A member of the 1984 Sarajevo Olympics team alongside his younger brother, Scott, he then embarked on a career in the NHL with the Hartford Whalers. Since hanging up his skates, he has become a very successful IT solutions and consulting executive.

Ladies and gentlemen, from Harvard University, Mark Fusco. (Applause)

Presenting Mark's award tonight is Bob Scalise, director of athletics at Harvard University. (Applause)

*Earl "Butch" Graves Jr., Yale University*

A four-year starter and captain of the Yale basketball team, this Silver Anniversary Award winner distinguished himself both academically and athletically. He became the school's all-time leading scorer and finished his college basketball career as the second leading scorer in Ivy League history while earning his degree in economics.

After a career in the NBA, he joined his father's business, Black Enterprise, where he has since risen to the role of President and CEO of that very successful company, and sits on numerous business and charitable boards.

Ladies and gentlemen, from Yale University, Earl "Butch" Graves Jr. (Applause)

Presenting Butch's award tonight is Tom Beckett, director of athletics at Yale University. (Applause)

*Darrell Green, Texas A&M University-Kingsville*

Our next Silver winner was chosen as an All-American in not one, but two, sports. Though he excelled in both track and football, this Walter Payton Award winner went on to the NFL, where he won two Super Bowls in his 20-year career with the Washington Redskins before he was inducted into the Pro Football Hall of Fame. Since then, he has done much, including founding the Darrell Green Youth Life Foundation, and has also served as the chair of President Bush's Council on Service and Civic Participation.

From Texas A&M-Kingsville, formerly Texas A&I, Darrell Green. (Applause)

Presenting Darrell's award tonight is Scott Gines, director of athletics at Texas A&M-Kingsville. (Applause)

*Dr. Kathryn McMinn, University of Georgia*

Our next Silver winner not only graduated cum laude, she was also Georgia's first student-athlete to become a four-time All-American in any sport, men or women's. As a gymnast, she was named to All-Southeastern Conference honors some four times, and she also won seven individual SEC championships.

A recipient of the NCAA Postgraduate Scholarship, she excelled through medical school and is now a doctor with the Atlanta Pulmonary Group, and takes pride in giving back to her community.

Ladies and gentlemen, from the University of Georgia, Dr. Kathryn McMinn. (Applause)

Presenting Kathryn's award tonight is Damon Evans, director of athletics at the University of Georgia.  
(Applause)

*Steve Young, Brigham Young University*

Our next Silver Anniversary honoree has been under the bright lights ever since graduating from college. As the highest-rated quarterback in NFL history with three Super Bowl rings and now as an analyst on ESPN, he has indeed come a long way from his eighth-string beginnings his freshman year in football.

The term 'well-rounded' doesn't begin to cover the many facets of this man's success. His stellar academic

performance landed him an NCAA Postgraduate Scholarship, and in 1994, the same year, he won the Super Bowl and was named league MVP. He graduated from law school. However, he will tell you that his wife and four children are his proudest achievements, and he strives to define his life by his success as a husband, father and friend.

From Brigham Young University, Steve Young. (Applause)

Presenting Steve's award tonight is Tom Holmoe, athletics director at Brigham Young University. (Applause)

We should thank all of our 2009 Silver Anniversary honorees for joining us this evening. It is indeed always a pleasure for us to visit again with former NCAA student-athletes and see where they are in their lives after 25 years and how intercollegiate athletics have helped to shape their lives after graduation.

To all of you, thank you and congratulations. (Applause)

## THEODORE ROOSEVELT AWARD

And finally, this year's Theodore Roosevelt Award recipient is a role model for all women. Her list of accomplishments is so impressive that her memoir was, in fact, a New York Times Best Seller.

She was, among other things, the first woman U.S. Secretary of State, a former U.S. Ambassador to the U.N. and member of the President's Cabinet and National Security Council. Currently, in addition to informally advising President-elect Obama and Secretary of State-designate Clinton, she serves as the chair for both the National Democratic Institute for International Affairs and the Pew Global Attitudes Project, as well as holding a professorship at Georgetown University. The mother of three and grandmother of six enjoys, as she says, being a hockey "grandmom" as well as working on her own physical fitness.

Ladies and gentlemen, please welcome the 2009 NCAA Theodore Roosevelt Award winner from Wellesley College, Dr. Madeleine Albright. (Applause)

Presenting Dr. Albright's award tonight is the chair of the NCAA Executive Committee and president of the University of Georgia, Dr. Michael Adams. (Applause)

## REMARKS — DR. MADELEINE ALBRIGHT

**Dr. Albright:** Thank you very, very much, Dr. Adams and Jack Ford, and members of the Executive Committee and friends and guests. Greetings to everybody.

I hope I speak for each of the honorees tonight in expressing gratitude for your recognition and heartfelt thanks for your hospitality.

For me, I have got to say it is a most amazing privilege to be in the presence of so many outstanding scholar-athletes. In fact, I am blown away.

Although I was proud to serve as America's Secretary of State, at least part of my family considers it much more exciting to have something in common with Darrell Green and Steve Young, and all the rest of you.

As a diplomat watching Redskins games, I used to admire Mr. Green's negotiating techniques, which were, as I recall, highly efficient. I am a peaceful person, but there were certainly times when I was tempted to stop talking and start tackling.

This evening, I am delighted that the NCAA is giving its Institutional Award to Wellesley, a college whose reputation as a sports powerhouse up until now has been obvious only to a few.

I congratulate President Bottomly and Bridget Belgiovine, and all the representatives who are here from my alma mater, which is also Hillary Clinton's, to which I owe so much.

Now, you might expect that as a recipient of the Roosevelt Award, I would devote my five minutes to the highlights of my athletics career. But as the video that we are going to see reflects, five minutes is much longer than I need.

When I attended Wellesley, we did not do intercollegiate sports. Instead, we had a range of dynamic intramural activities. For example, snow shoeing. We also had club sports, and in these I did participate in field hockey, rowing, swimming and tennis.

Just as important, the college played close attention to our health. In fact, back then incoming students at

Wellesley had to pose for what they called the posture picture. This was to see whether we had “an understanding of good body alignment and the ability to stand well.”

The thing is that we were not allowed to wear any clothing above the waist, and they actually graded the pictures, and if we flunked, they made us do exercises.

I always wondered what had happened to all those pictures until a few years ago when they were discovered in a vault at Yale. (Laughter)

When I say that I accept the Roosevelt Award with humility, you might well reply that in terms of athletic prowess, the humility is certainly justified. I could point out in my defense that I am now a devoted gym rat and can leg press 450 pounds, but that is more information than some of you people may want.

So, I would like to accept this award least on behalf of myself and more in recognition of the entire pre-Title IX population of women and girls, a vast group whose opportunities to excel were stunted by the prejudices of their era.

Because of Title IX, I have been able to watch my daughters and granddaughters skating, skiing, swimming, volleying and otherwise representing themselves and their schools in athletics competitions.

In fact, I was a hockey mom long before you know who. (Laughter)

Until Title IX, it seemed as if we could list all the women’s sports heroes by using three words, Billie Jean King. Now, we have a galaxy of women stars in every arena from NASCAR and the balance beam, to soccer and basketball. Instead of sending a message to our young women that they should know their place, we are telling them that they can define their own place through hard work, dedication and a willingness to match their best against the best of others.

This evolution matters not because it is politically correct, but because it contributes so much to the purposes of the NCAA to prepare our young people for life and to prompt them to demand a full measure of effort for themselves.

The athletics field is a marvelous place to learn about leadership and strategy and teamwork and competition. It is a place to earn respect by showing respect for yourself, for your teammates, for your opponents and for the sport itself. These lessons are essential to women and men alike, and they are vital well beyond the realm of athletics to the wider world, where we are about to begin a new era in American history at a time when insecurity and hope co-exist as never before.

To meet the challenges we face, we must remain true to the idea of equal opportunity and to the principles that enable each of us to seek fulfillment by contributing to the well-being of all. And that is a worthy mission, not only for the NCAA but for the entire United States of America as well. Thank you all very, very much.

[Note: The delegates extended a prolonged standing ovation.]

**Mr. Ford:** Dr. Kim Bottomly, president of Wellesley College, will accept the Institutional Award from Dr. Madeleine Albright. (Applause)

And congratulations and thank you once again, Dr. Albright.

Our congratulations also to all of our award recipients tonight. In hearing your stories, we have come to know the meaning of excellence and how each of you pursued your dreams athletically and professionally. We certainly have a much greater appreciation for what it took for you to go from challenger to champion, to rise from really good to excellent.

This wraps up tonight’s award presentations. The NCAA on Campus at the Honors Celebration will premiere on ESPN2 Monday, February 9, at 3:30 p.m. Eastern time, and will repeat on ESPN Classic Wednesday, February 19, at 12:30 p.m. Eastern time, with additional broadcasts on ESPNU.

Thank you all for joining us for the 2009 NCAA Honors Celebration. It has indeed been a special night in recognition of the pursuit of excellence. Thank you all and good night.

[The Honors and Delegates Celebration was adjourned at 8:20 p.m.]

# **DIVISION I BUSINESS SESSION**

## **FRIDAY, JANUARY 16, 2009**

The Division I business session of the National Collegiate Athletic Association, held at the Gaylord National Resort & Convention Center, Washington, D.C., Friday, January 16, 2009, was called to order at 3 p.m., with Division I Board of Directors Chair James Barker presiding.

**Mr. Barker:** Good afternoon. I would like to call us to order so we can begin our business meeting, please. Good afternoon. My name is Jim Barker and I serve as president of Clemson University, and I also have the honor of serving as chair of the Division I Board of Directors. I want to welcome all of us here this afternoon.

I would like to start the business portion of our meeting with a few preliminaries and with some instructions. If I am tedious with these, you will have to bear with me, because we are dealing with some technology, and any technology in the hands of anyone is a dangerous thing. We have to be careful about how you actually do this.

We also have with us on the dais this afternoon Damon Evans, who is director of athletics at the University of Georgia, and who chairs the Division I Leadership Council, and Joe D'Antonio, who is the associate commissioner of the Big East Conference and chair of the Legislative Council.

In addition, we have David Berst, Beth DeBauche, Steve Mallonee and Lynn Holzman from our NCAA staff with us today.

[Note: Electronic voting procedures were explained to the delegates.]

Please note this is the only Convention business session for Division I.

In a moment, I will recognize any delegate who wishes to offer the base motion to override the Board of Directors' action to adopt Proposal No. 2007-30-C. Following a second, I will open discussion of the motion and will call on delegates who approach the microphone. Speakers should identify themselves by name and institution or other affiliation.

Once the chair is satisfied that discussion has concluded or that no new information concerning the matter at issue is being presented, I will announce it is time to vote.

Please remember that a "yes" vote will support the motion to override the Board. A "no" vote will support the Board of Directors' actions to adopt the proposal. A successful override of the Board of Directors requires five-eighths majority or 62.50 percent of the "yes" votes among the total of "yes" and "no" votes of the delegates present and voting.

Division I institutions and conference members that qualify to vote in the governance structure are eligible to cast a vote.

I will begin the formal business session in just a moment, so if you intend to make a motion to override the Board or to participate in the discussion of the motion, I invite you to begin to take up a station near one of the four microphones that we have.

I would now like to call the 2009 Division I business session to order. We will consider a motion to override the Board of Directors' adoption of Proposal No. 2007-30-C. I will recognize a microphone for someone to make that motion. Again, please identify yourself for our records.

**Barbara Church (Metro Atlantic Athletic Conference):** I move the override.

**Mr. Barker:** I have a motion. Do we have a second? Do I need to have identification of the seconder? I don't need to have that.

**From the Floor:** I second it.

**Mr. Barker:** We have a second. Now, discussion on that motion.

**Damon Evans (University of Georgia):** I serve as director of athletics at the University of Georgia and am currently chair of the Leadership Council of the Division I governance structure. On behalf of the Leadership Council, I strongly urge everyone in this room to vote against this override.

In this day of academic reform, and what we are trying to accomplish in the sport of men's basketball, and in looking where we are, there are all kinds of problems. One in particular is nonscholastic events.

As I look at this proposal and this override, we need to re-affirm what the Board had put into place. By overriding this particular piece of legislation, what we will be doing and what we will be saying to our student-athletes or prospective student-athletes is to a certain extent academics don't matter.

Let me give you a case in point. When you look at these nonscholastic events, the majority of the times they are off the institution's campus, of course. These young men are having to leave their institution for a two- or three-day period to participate in said events. These events in this time frame that they are allotted requires them to give up time they could be dedicating to academics.

If we are truly about academics as we state so eloquently all the time, then we would vote against this particular piece of legislation, this override. I would also say to you there is ample time throughout the year for our coaches to get out and evaluate student-athletes in this sport, whether it is the academic year or during the summer months.

Let's stick to what we say is at the core of what we do in this business being academics.

On behalf of the Division I Leadership Council, I strongly encourage you to oppose this override. Thank you.

**John Peters (Northern Illinois University):** I am president of Northern Illinois University and a member of the Division I Board of Directors. I rise to oppose this override. At least for over a decade, the Board of Directors has expressed deep concerns about men's basketball, particularly the areas of summer recruitment, of academic performance, and recently the growing concern about the influence of third parties that have absolutely no connection to the scholastic environment.

Now, the month of April is now overloaded with over 200 or so unregulated, nonscholastic basketball events for men's basketball prospects, which result in obviously significantly missed class time from what we know as educators.

It is probably the most crucial time of the school year for high school prospects and now middle school prospects to travel across the country during April to attend these events. The Board of Directors has passed the current legislation unanimously based upon strong support from the Men's Basketball Issues Committee, support of 62 percent of the NABC membership, support of the Championships/Competition Cabinet, as well as 70 percent of the Management Council.

This past fall, the Leadership Council also added its opposition. So, as a Board of Directors member, I do not believe our coaches should encourage these events any longer through attendance and payment of registration fees, and I do believe, though, that the event operators and our coaches can adjust in a manner that is much less disruptive to the academic year.

Now, opponents will claim confusion by those who pass the legislation, but I disagree. I see no confusion, but only clarity. I believe the proposal properly addresses our great concern over the exploitation of middle school and high school academic schedules.

Therefore, on behalf of the Division I Board of Directors, we urge you to vote "no," that is number 2, on the override — I figure you can read what you want into that — and to support the Board of Directors' position on this. Thank you.

**Kevin Anderson (U.S. Military Academy):** Good afternoon. I am the athletics director at the United States Military Academy at West Point. I also serve as chair for the NCAA Basketball Issues Committee, and I am also on the Academic Enhancement Committee.

I, too, believe that we should vote "no." I echo what Damon said earlier, but I want to share a story with you. This is a true story. One of our colleagues, Dr. Jamie Williams, who is the athletics director at the Art Institute in San Francisco, has a son and the son is a very good basketball player. They live in Foster City, California. They were looking for competition for their son, so they brought him over to Oakland to a traveling basketball league.

They got on the plane one day and they went on a trip. Jamie's son pulled out a book and started studying. Members of his team started to ridicule him and say, "You know, that is why we go on these trips so we don't have to do homework or worry about any of that stuff."

It even gets better after this, though. After they came back from the trip, the coach pulled Dr. Williams aside and said, “You know, I don’t think your son is good for this team. He set a bad example, because he wasn’t concentrating on basketball and studying is not going to help us win basketball games.”

So, if we can’t find it to vote “no” on this, that’s the message that not only this young man has incurred, but many others. We have to send a message, and if we don’t send a message we might as well take the student out of the student-athletes and call it what it really is, because we are using them as athletes. Thank you very much.

**Kerry Kenny (Student-Athlete Advisory Committee):** Thank you. Mr. Chair, with your permission, if I may, I will turn and address the crowd. Good afternoon, ladies and gentlemen.

I currently have the privilege of serving as the outgoing chair of the Division I national Student-Athlete Advisory Committee. I am a men’s basketball student-athlete from Lafayette College, but today I am here to address you in my role as the chair of the national SAAC expressing the thoughts and the opinions of our peers across the country. We strongly urge you to oppose the override of Proposal No. 2007-30-C, a concept which we have espoused for over a year.

The sport of men’s basketball is mired in one of its most crucial points in its history. At the collegiate level, academic performance is struggling to meet expectations and the preparedness of many incoming freshmen and two-year transfers continue to be an issue.

Many of these issues can be traced back to the precollegiate environment that has become, in many cases, atrocious. The lack of emphasis placed on a quality level of academic preparedness, coupled with the proliferation of negative influences that have crept into the culture, the precollegiate environment, has caused a substantial rift between where we are and where we should be.

By allowing the provisions of this proposal to take root, you will be sending a message to the precollegiate culture in men’s basketball. No longer will these nonscholastic entities be able to infiltrate the community that one day will become Division I men’s basketball student-athletes.

These nonscholastic events, which do not have to go through the same certification process as their sister events in the summertime, are often times an affront to student-athlete well-being, and cause these prospects to pay, and more importantly, miss class time and SAT preparation time in order to travel across the country, in order to be seen by a college coach.

Although we sympathize with the argument that these events may be the most cost efficient for institutions, there is a certain level of hypocrisy by expecting prospects to pay extra money to be part of an AAU team in order to supplement travel when the college coaches and institutions that want these prospects should be showing that interest by devoting the necessary money to recruiting a prospect in the scholastic setting. It all comes down to the question in the end — what is the greater cost and who should bear that cost?

Putting the April contact period back into the scholastic setting will send the correct message to these prospects by showing them the importance that should be placed on academics during their high school career. We need to take the steps to put the recruiting process back into the hands of the true stakeholders — the prospects and their families, their high school administrations and their high school coaches.

The latter two have been overshadowed in recent years by the nonscholastic influences, and with the initiatives, such as the youth basketball initiative, in place, the time is ripe to shift the balance back into the hands of those who are truly invested into the success and development of these young men.

In conclusion, it is important to keep in mind that the effects of Proposal 2007-30-C have yet to go into effect, and we have yet to see their true impact as this April will be the first chance for them to show us what they will do.

The NCAA and its membership have always prided themselves in promoting academic success and extolling the true virtues of what it means to truly be a student-athlete, something that some of us in this room have had the pleasure and privilege of calling ourselves at one time in our lives. This is a chance to step up to the line and put into action what we continually preach and put the sport of men’s basketball back on the right course of action.

We again, as the national SAAC, strongly urge you to hit number 2 and oppose the override of Proposal 2007-30-C. Thank you.

**From the Floor:** I call for the question.

**Mr. Barker:** I would like to make sure we have the opportunity for discussion. Is there further discussion? It appears that we are ready to vote. Please note that we are voting on the motion to override the Board of Directors' action to adopt Proposal No. 2007-30-C. The polls are now open. Please push "1" to vote yes to override the board. Push "2" to vote no and to support the board's action, or push "3" to abstain from expressing a position.

[Proposal No. 2007-30-C was approved, 144-118-2.]

Is there any other business to come before us today? Remember to leave your Smart cards and your keypads at your seats. Is there any further business? If not, this meeting is now adjourned.

[The Division I business session was adjourned at 3:35 p.m.]

## **DIVISION II BUSINESS SESSION SATURDAY, JANUARY 17, 2009**

The Division II business session of the National Collegiate Athletic Association, held at the Gaylord National Resort & Convention Center, Washington, D.C., Saturday, January 17, 2009, was called to order at 8:01 a.m., with Division II Presidents Council Chair Stephen Jordan presiding.

### **OPENING REMARKS**

**Mr. Jordan:** Good morning. The 2009 Division II business session will come to order.

I'm Steve Jordan, president of Metropolitan State College of Denver and chair of the Division II Presidents Council.

Additionally, as we begin today's business session, I would like for other officers of the Division II Management Council and Presidents Council to stand and be recognized as I introduce you — Presidents Council Vice Chair Beverley Pitts, University of Indianapolis; Management Council Chair Debbie Chin, director of athletics, University of New Haven, representing the Northeast-10 Conference; and Management Council Vice Chair David Riggins, director of athletics, Mars Hill College, representing the South Atlantic Conference.

I would also like to take this opportunity to introduce Larry Fitzgerald, former faculty athletics representative at Southern Connecticut State University, who will serve as our Division II parliamentarian.

Additionally, members of the Division II governance staff and academic and membership affairs staff are with us here today. They are here to assist us with the legislative questions and issues that may come up during the course of this year's business session. Thank you all for being here.

We have a few announcements and reports that we need to do before we move to our business. As is our custom, we would like to take a few minutes to catch the membership up on the events of the past year and discuss some of the key future priorities. And so, I present to you Beverley Pitts, president of the University of Indianapolis and vice chair of the Division II Presidents Council.

### **REPORT OF THE PRESIDENTS COUNCIL**

**Beverley Pitts (University of Indianapolis):** Thank you, Steve.

Good morning. As we begin today's business session, we would like to share with you some news items, and in particular, most of that information is in a wonderful document which you have, the Division II Yearbook. Fortunately, we can use the yearbook to give us a good guide to a lot of information that we don't need to present to you, in terms of committee reports.

So I'd like to take just a few minutes to kind of walk you through it. If you have the yearbook in front of you, you may want to follow with me. If not, you may want to just jot down some of the pages. But let me just tell you some of the information that is there for your use.

On page 82, you will find an updated summary of the Division II facts and figures. That's always valuable to us, and an overview of the benefits of being a member of Division II.

This is really only a brief summary, and more information is available in the Membership Report which you received earlier this year. Actually, this past summer.

Also, please review, and I think this is of great value to you, on pages 84 and 85, the budget information. That may be helpful to you as we have a conversation in just a minute about the Enhancement Fund. It certainly will help you understand the past year's budget and our next year's budget.

Also, if you'll look, located on pages 21 and 32 through 45, a section there, the Division II Up Close and Personal, and News at a Glance sections. These segments highlight only a few of the accomplishments of our Division II student-athletes and administrators this past year. We're certainly very proud of all those accomplishments. But it's also a good way to take a look at what happened in the division, and to share that with your campus at home.

On page 48 is the Division II Strategic Positioning Initiative and Activation. That, of course, is a very important document to us. The division has continued to implement the strategic positioning platform at the local level. The platform continues to be the core of what we do in Division II. This year, in particular, we saw the game environment issue become a big one for us. We're very pleased about that.

The Division II Presidents Council and Management Council reports are located on pages 52 and 54. Each report contains important information in relation to the initiatives each council has undertaken. So that is a valuable place in the document to review. I encourage each of you to read those committee reports.

On pages 69 through 80, we have information concerning Division II championships from 2008, and the CBS College Sports Network partnership with Division II.

Also throughout the yearbook are advertisements in relation to the leadership and development opportunities for all members in Division II. So I encourage you to take a closer look at those opportunities, and think about ways in which your conference and your school can get involved.

The achievements of Division II this past year were significant. We foresee even more this next year. For a look at Division II's 2009 priorities, please refer to page 92, toward the end.

I do hope the yearbook continues to be a useful tool for you in the coming year. It is certainly a document you can keep on your desk and use as a reference for all the information, not only about the actions we've taken, but the positions we've taken in Division II. So take advantage of this yearbook. It's a great document. I like to keep it close, as well.

Now I'd like to change topics just a bit, and talk about one specific aspect of our Division II strategic positioning platform in relation to the budget, and that is aligning the Division II Enhancement Fund distribution formula with the Division II strategic positioning platform.

As you know, we, for quite some time, have been working on our strategic positioning platform, and this statement is a comprehensive definition of who we believe we are. I would like to read to you our statement.

"Life in the Balance. Higher education has lasting importance on an individual's future success. For this reason, the emphasis for the student-athlete experience in Division II is a comprehensive program of learning and development in a personal setting. The Division II approach provides growth opportunities through academic achievement, learning in high-level athletic competition and development of positive societal attitudes in service to the community. The balance and integration of these different areas of learning opportunity provide Division II student-athletes a path to graduation while cultivating a variety of skills and knowledge for life ahead."

What we want to do is talk a little bit about aligning that strategic positioning platform statement with the way we use the enhancement fund. Just as a good background, I think we probably should spend just a moment on the history of the enhancement fund, so let's review that.

The fund was created by the NCAA Executive Committee in the late 1980s, following negotiation of the new CBS media agreement. It was approved and implemented by leadership in all three divisions as a financial incentive for schools to maintain Division II membership affiliation. The original distribution formula for us was about \$3 million, and it was aligned with already-existing Division I financial distributions where money would go to Division II conference offices based on success in the Division II men's basketball tournament, and an equal distribution would be sent to each active Division II member. So that's where we started.

Contributing factors to that decision at that time were that the NCAA's revenue from CBS was linked directly to the telecast of the Division I men's championship, which we all know as March Madness. Division II men's basketball was the highest percentage of sports sponsorship by the member schools for all division sports.

Over the years, that enhancement fund has increased. Following the restructuring of the NCAA in 1997, the Division II Enhancement Fund has steadily increased to its current amount of \$4.8 million. The increases occurred in the following years: it was \$3.6 million in 2001-02; \$3.9 million in 2002-03; \$4.2 million in 2003-04; \$4.5 million in 2004-05; and \$4.8 million in 2006-07. There is a commitment to increase the fund again to \$5.1 million in the next two years.

In the 2000-01 year, the Division II Budget and Finance Committee agreed to modify the distribution formula by also including success in women's basketball, and by adding a new prong that assigns distribution points for the number of championships sponsored in each conference.

The current formula is used to distribute the \$4.8 million, and it is as followed: \$1.6 million goes to the conference offices based on the number of conference championships sponsored with at least six active members; \$800,000 goes to the conference offices based on success in men's basketball; \$800,000 goes to the conference offices based on success in women's basketball; and \$1.6 million is equally distributed, paid directly to active member institutions in good standing, approximately \$5,500 a year.

So the question is, is it time to change again? The Division II Planning and Finance Committee, which was formerly the Division II Budget and Finance Committee, but now has responsibilities for strategic planning monitoring, has agreed that the Division II strategic positioning platform must influence all future program and budget decisions for our division. The committee believes a distribution formula based, in part, on success in only two national championships, men's and women's basketball, is inconsistent with the division's comprehensive platform.

The Planning and Finance Committee continues to consider alternative distribution formula recommendations. We have received a few suggestions, but nothing has been endorsed at all, and we are really now just opening it up for further study.

I want to emphasize that we are still in the very preliminary, exploratory stage of deciding whether to modify our distribution formula, so your input is really very important at this point. The real question is, is there a better way that can be fair and consistent with the platform? A number of suggestions have come along, as you can imagine. The Planning and Finance Committee has agreed to consider various options during its spring meeting.

While the decision regarding the formula rests with the Presidents Council and the Planning and Finance Committee, both groups have committed to broad discussion and consideration about this issue in 2009. So now is your chance to speak up. Here are some of the ideas that we have heard already.

One is to base it on a Division II life skills program, or at least partially, take a portion of the fund for that, a portion could be distributed based on whether the institution offers a formal life skills program for student-athletes.

Another option is to base it on the Division II strategic plan. A portion of the fund could be distributed based on an institution or conference meeting specific strategic-based measurements. For example, how many secondary violations your conference is reporting, or how many senior woman administrators are receiving professional development training, could be some of the measurements that could be used.

We should point out that we might have these kinds of things for part of the distribution, or consider a whole new model for the whole distribution.

There is the possibility of basing it on competition success. A portion of the fund could be distributed based on a conference's success in all Division II sports, not just basketball.

It could be based on a point system tied to the platform. A portion of the fund could be distributed based on a variety of factors outlined in the Division II strategic positioning platform, for instance, community engagement or learning academic success, community service, game environment, those kinds of things.

Another suggestion has been to consider basing a portion on graduation rates. It could be distributed based on Division II graduation rates. For example, we could reward schools that maintain or improve their academic success rate. I think it's important to think that we could both have general distribution, and then a portion for rewarding.

So now, really, we're interested in what you're thinking and what your ideas are. We would like to open up the floor for comments and reaction. We've also distributed a feedback sheet if you'd like to share your remarks in writing. We're going to take all of this information back and begin the conversations with the Planning and Finance Committee.

So I open up the microphones to you. Please let us know what you're thinking. Let's take a few minutes to hear from you, either in reaction to some of the things that have already been suggested, or new suggestions, as well.

(No response.)

I can't believe you're going to leave it all up to us. But we will hear you. We hope that we will hear from you in writing, and through your conferences. We will seek ways to get input from all of you, so that by the time we come to a decision about this, it will be fully vetted by the entire membership. Thank you very much.

**Mr. Jordan:** Thank you, Beverley, for your report and update on the Division II Enhancement Fund.

We really do want your input on this issue, so I highly encourage you to use the yellow feedback sheets to share your comments and ideas. As a reminder, please leave your feedback sheets in the trays by the main doors as you leave the ballroom.

You know, I always hesitate to leave the script. It makes everybody up here nervous. But I want to take one moment.

We're gathered here today, obviously, in fulfillment of a process to enhance and help us fulfill our strategic positioning platform. It says, "Higher education has lasting importance on an individual's future success. For this reason, the emphasis for the student-athlete experience in Division II is a comprehensive program of learning and development in a personal setting." The actions we're taking today are our judgments about how we do that.

But we shouldn't forget that we have a group of athletes who are here, who take the time to provide leadership, to represent hundreds of student-athletes in their conferences. I would like to take a moment to have the SAAC stand. Let's recognize these student-athletes for their leadership. (Applause.)

Thank you so much for taking the time to be a part of this.

Now, with the division's current strategic plan nearing the end of its life, several months ago the Presidents Council decided that it was time to begin the process of developing a new strategic plan for the division.

That being said, the next step was to find someone who was not only knowledgeable about the process, but someone who would be committed to this complex task. I can tell you that we didn't have to go very far to find that person. Pat O'Brien stepped forward to lead the strategic planning advisory group in developing a comprehensive document that will guide the division for the next three years.

This strategic plan aligns with the division's strategic positioning platform, and is built from suggestions and inputs from many of you during the opportunities for membership comment during the past few months. Before I get too excited and steal Pat's thunder, I would like to ask Pat to formally launch our new Division II strategic plan.

**Pat O'Brien (West Texas A&M University):** Thank you, Steve.

Good morning.

Strategic planning is not new to NCAA Division II or our colleges and universities. It's an important part of the process for ensuring we continue to move forward. The Division II plan that was implemented in 2004 recently came to an end in 2008. However, the membership was well served by the plan because the 2004 plan initiated the need for the division to clarify its identity and purpose.

In 2005, the division gathered 140 chancellors and presidents to discuss the future of Division II. This summit was a historic meeting for the NCAA, representing the first time presidents and chancellors from a single division had gathered to discuss NCAA issues outside a convention setting.

With the concern that many Division II schools were leaving to join Division I, and that the division had no clear identity, the presidents and chancellors at that meeting agreed that presidential leadership was critical to the future success of the division, and that a comprehensive study related to Division II's defining characteristics and key attributes was necessary.

This comprehensive study was research-based, and included both focus groups and survey data. The objectives of the study were to define clearly: What is Division II?; explain why schools choose to be Division II members; develop a proactive set of campus-based and Association-wide initiatives that underline the Division II identity; and celebrate how Division II student-athletes prepare for life after sports.

We learned from the research study that Division II was perceived as the most balanced of the three divisions, with equal emphasis on academics and athletics. Division II is strongly perceived as fulfilling the NCAA mission. A significant majority of student-athletes agreed that being a student-athlete in Division II made them a better student, and that a priority for the division should be to increase support in the local community.

From the research, the division adopted the Division II strategic positioning platform. The strategic positioning platform is a brand communication platform that incorporates a mission and positioning statement for

Division II; articulates the division's key attributes; specifies the points of emphasis for particular audiences; and highlights the reasons to believe in Division II.

The platform is at the core of everything that we do in the division. All budget decisions, initiatives, legislative actions, directly tie back to who we say we are in the strategic positioning platform.

With the division now having a clear articulation of its identity, and several activation strategies, such as community engagement, and the visual activation with the hexagon, and the "I chose Division II," it was necessary for the division to align its future strategic priorities in the platform.

This past spring, as Stephen mentioned, the Division II Presidents Council appointed an advisory group composed of Presidents Council and Management Council members, to begin developing and aligning the Division II strategic plan with the strategic positioning platform.

The 2009-12 Division II strategic plan is more streamlined than the 2004-07 plan, with five goals, instead of seven. The goals tie directly to the positioning statement.

A copy of the strategic plan should be at each and every one of your positions. This is what it looks like (indicating). If you open it up, on page 2 you'll find a summary of the five goals. The goals are as follows: On page 3, you see Goal 1 and its associated priorities.

Now, one thing I want to caution you about is that the goals, Goals 1 through 5, are not in priority order. They are simply goals. But associated with each of those goals, we have a set of priorities.

Goal 1 — Academics and Life Skills. Provide Division II student-athletes a path to graduation, while cultivating skills and knowledge for life ahead. Learning in high-level athletic competition, and developing positive societal attitudes through service to community.

Goal 2 — Athletics Operations and Compliance. Commit to institutional control by establishing a system for operations, and compliance that is engaged and functioning.

Goal 3 — Game Day and Conference and National Championships. Provide fair and equitable competition, and a quality, positive and rewarding game day and conference and national championship experiences.

Goal 4 — Membership and Positioning Initiatives. Utilize the uniqueness of Division II's model to establish Division II as a membership destination, and to ensure long-lasting stability.

Goal 5 — Diversity and Inclusion. Promote diversity and foster an environment of inclusion.

As I said, each of the goals comes with an associated set of priorities.

Additionally, we've added oversight instructions to the governance entity most logically, logically suited to carry out that particular priority. So there is an assignment of responsibility to a particular group for carrying out each and every one of the priorities in the strategic plan.

In addition, for each of the goals, we have established a set of measurable outcomes. Those measurable outcomes will be tracked on an annual basis. We will measure whether or not we are, in fact, accomplishing what it is that we say we want to accomplish.

Now, just a second ago, I said that the goals are not in priority order. However, if you look at the goals, you will see that there is a common thread and that there is a single overriding priority, and that is to enhance the educational and athletics experience for our student-athletes, to enhance the success of our student-athletes at our institutions.

The 2009-12 Division II strategic plan figures to have some staying power for two reasons: first, it is more outcome-driven, and holds various governance groups accountable for its success; second, rather than house oversight of the plan with the Division II strategic planning advisory group, as in the past, the Presidents Council has appointed the monitoring and assessment of the plan to the Division II Planning and Finance Committee, formerly the Division II Budget and Finance Committee.

The plan was thoroughly vetted. We sent it out to presidents, to athletics directors, to commissioners, to SAAC, to all of the various committees that we have in NCAA, and we asked for feedback. Throughout the process, the advisory group updated the plan. The plan received formal endorsement from the Division II Management Council and Presidents Council this past October.

Ultimately, you will see that the 2009-12 Division II strategic plan reflects the division's commitment to the larger strategic direction that was commenced by chancellors and presidents back in 2005 when they began an identity campaign defining Division II by what it is, rather than by what it is not.

It is now time for us as a membership to take ownership of the plan, implement its goals and priorities, and assess its success over time.

I'd now like to open up the floor for any comments or discussions that you have on the plan. We've got microphones stationed throughout the room. If you have comments, when you come up, state your name and affiliation, please.

Anybody? (No response.)

Hearing none, thank you very much.

**Mr. Jordan:** Thank you, Pat. Thank you so much for the leadership that you've exhibited, and for the members of the Strategic Planning Committee, as well.

We need to take just a few minutes to review the voting process we use in Division II at the NCAA Convention. Some votes will be done by paddle vote. A few proposals are designated for roll call, where we will use the voting units. Let me remind you how to cast a vote using these particular voting units.

[Note: Electronic voting procedures were explained to the delegates.]

Please note that we have six representatives from our Division II Membership Committee available to assist you if you have any problems with your voting units. I encourage you to find these people if you need assistance. I would like for the voting helpers to please stand as I call your name: Barry Blizzard, West Virginia Intercollegiate Athletic Conference; Dave Brunk, Peach Belt Conference; Roger Maisner, Mansfield University of Pennsylvania; Joan McDermott, Metropolitan State College of Denver; Steven Rackley, University of Findlay; and Karen Stromme, University of Minnesota Duluth.

We also have Jim Watson, West Liberty State College, who is seated in the voting pit to my left. Jim, would you please stand? Jim will work with the voting technicians to assist you if there are technical issues that need to be resolved.

In addition, Glenn Stokes, Columbus State University, and chair of the Division II Membership Committee, can assist with voting equipment issues if you experience any problems. Glenn, will you stand?

Those are the members of your Voting Committee this year. So please find someone if you are experiencing any problems with your voting unit or SmartCard.

Like in previous years, we are using the large video screens to project the voting information. Voting results will be provided immediately for all electronic roll-call votes. We will display the roll-call vote on the large screens, and make an announcement regarding the vote tally after we close the polls, and before we proceed to the next proposal.

At the end of the business session, please make sure you leave your voting units and SmartCards on the table. The staff will collect them.

Before we start our official voting, we need to conduct a couple of test votes to ensure that your voting units are working properly. So if you have not done so already, please find your voting unit and insert your SmartCard into the voting unit. I'll give you a couple of seconds to do that.

For the first test vote, please press the number "1" or the "Yes" button on your voting unit. Please press the "Yes" button now so that we confirm that your voting unit is working.

While we're doing this, we're going to pause for a second. There are many times in life when we find ourselves in positions where we will have to make a split-second decision. The video we will see this morning is about three Division II student-athletes involved in one of those life-changing moments.

Western Oregon senior Sara Tucholsky had never hit a home run in her career. Central Washington senior Mallory Holtman was already her school's career leader in them. But when a twist of fate and a torn knee ligament brought them face to face with each other and face to face with the end of their playing days, they combined on a home run trot that celebrates that spirit of respect, civility and honor that transcends intercollegiate athletics.

(Playing of video clip.)

**Mr. Jordan:** Wow!

So in addition to winning the ESPY Awards, they also were selected as the NCAA Sportsmen of the Year. Congratulations.

You know, this is what we would want for every one of our athletes to have, that kind of experience. That's what we're about in trying to achieve the positioning statement, the vision that we have for Division II. These young women, in a moment, acted out that vision. Congratulations.

Well, I've been told that Vote 1 worked. Congratulations.

We're now ready for our second test vote. For the second vote, please press the number "2" or the "No" button on your voting unit, so we can confirm that it works. Please press the number "2" or the "No" button now.

While we're doing that, we have an additional announcement.

In 2007, as a way to bring activation of the strategic positioning platform to the local and conference level, the Division II Presidents Council and Management Council created a purchasing Web site and allocated \$1,000 credit to each active Division II school and conference.

The program in 2007 was such a success, the Presidents Council and Management Council have once again issued a \$1,000 credit from the NCAA strategic plan budget to each active Division II school and conference to purchase items from the Division II purchasing site.

This year, to accompany the purchasing Web site, our supplier has produced a purchasing catalog for the Division II membership. The catalog is a visual representation of the Web site. Each of you has received a copy of the catalog at your place today. The purchasing catalog represents only a sampling of the items that are available on the Division II purchasing Web site for purchase, and to download items for free.

Banners, posters and signage are available for purchase either as stand-alone items, or the opportunity to be co-branded with your school or conference logos, messages or pictures.

Also new for this year, several nonapparel promotional items have been added to the purchasing Web site and are showcased in the catalog. Many of these items may be co-branded with school or conference logos, as well.

Finally, there are several items for free that may be instantly downloaded, including logos, graphics, Web buttons, a screen saver, Division II videos and ads.

Each Division II school and conference has received \$1,000 credit, effective today, for use on the Division II purchasing Web site. The \$1,000 credit must be used not later than June 30, 2009. Only orders placed online via the purchasing Web site will be accepted.

Schools and conferences may access to order via the purchasing Web site address in your catalog, or through the purchasing Web site icon on the Division II home page at [NCAA.org](http://NCAA.org).

Once you are in the purchasing Web site, please select whether you are at a school or a conference office, and then select your school or conference office from the drop-down menu. As soon as you select your school or conference, please enter the case-sensitive password, "ncaadii." After the password has been entered, please click "Proceed." These instructions may also be found on page 27 of the catalog.

Items that are free may be instantly downloaded to your computer. The items for purchase will be shipped out four to six weeks after your order has been finalized.

Remember, each active Division II school and conference has been provided \$1,000 credit to purchase items, and the \$1,000 credit must be used not later than June 30 of this year.

Also remember that your school or conference office may purchase additional items after exhausting the \$1,000 credit, with your own school or conference funds.

We do hope that you will enjoy your Division II signage and promotional materials. Please contact the Division II governance staff if you have any questions.

We're good on the second test vote.

## **CONSIDERATION OF PROPOSALS**

As a reminder, Robert's Rules of Order provide that procedures therein may be superseded or replaced by an organization's own traditional and customary procedures. This association has a number of such legislative requirements and procedures. Several of them are reviewed in the introductory section of the Official Notice. In addition, you will find in your Official Notice, several appendixes in the blue pages that list procedural information that may be of assistance to you.

NCAA Convention procedures are designed to ensure fairness and equitable treatment for all members, and to expedite our work as delegates. I will not take time to explain all of the parliamentary procedure used to ensure fairness, but I will remind the delegates that we fully intend to apply these procedures throughout our business session this morning.

There are certain procedures we employ in attempting to use our time wisely and efficiently, and let me briefly review those. One is locking the doors so no one can leave and go to the restroom until we are done. No. (Laughter.)

As stated, we will use the voting machines for roll-call votes. All other votes will be handled by paddles. Roll-call votes were designated by the Presidents Council for those proposals where it is important to create an historical record of how each Division II school and conference voted on the issue. I will attempt to eyeball as many paddle votes as possible, calling for a machine count only when the vote appears to be too close to call.

Although the delegates have a right to call for it, I ask all delegates to refrain from calling for a machine vote count, unless one seems necessary to determine the disposition of the issue.

If a delegate intends to debate an issue during the business session, we ask that you be at one of the microphone locations, and be prepared to speak when the motion has been made or seconded, or as soon as the previous speaker has concluded his or her remarks.

The microphone numbers will be used to recognize speakers. The delegates will be limited to speak to no single motion more than twice. If I see no one at a microphone, the vote will be called as quickly as possible.

The voting and speaking privileges for NCAA Conventions are set forth in NCAA legislation, and are summarized in Appendix J, which is in the back of your Official Notice, on page 103.

I would ask that you identify yourself by name and your institution or affiliation whenever you address the Convention. I repeat, please identify yourself by name and your institution or affiliation.

Those delegates wearing convention lanyards that are red, blue or green are permitted to speak. Those with other colors are visitors and may not participate, other than as observers.

As a reminder, the speeches made during today's business session for each proposal create an historical record that becomes important for research regarding the legislative intent of the 2009 voting delegates. The annual Convention Proceedings will serve as the official record of the business session, and your remarks will be included in these proceedings.

Let me also review briefly the window of reconsideration opportunity. After we complete the consideration of the 13 Division II proposals this morning, we will pause for approximately two minutes for people to organize for the period of reconsideration. I will call for a motion to reconsider on any of the proposals that have been voted on. We ask that all motions to reconsider occur during this window of reconsideration.

Also, please note that some proposals have immediate effective dates for implementation. For such proposals, the immediate effective date must be considered first, followed by a vote on the merits of the proposal. If an immediate effective date is defeated and the proposal is adopted, the effective date will then be August 1, 2009.

We have a court reporter here today to prepare a transcript of this business session, so I again remind you to identify yourself and your institution or affiliation whenever you speak.

Let me call to your attention two Convention publications. First, the Convention Program that you received at registration.

The second publication I want to mention is the 2009 NCAA Convention Official Notice, which you should have received in November. In Appendix A, the blue pages, in the Official Notice, pages 37 to 38, you will find a list, and the order, of the 13 legislative proposals that will be considered during our Division II business session.

I would also like to call your attention to the procedural issues memo, the green sheet handed out this morning. This memo highlights procedural issues related to the division's legislative proposals.

We will attempt to complete our business this morning. If we have not completed our voting this morning, we will recess around 12:30 p.m. for lunch, which will be boxed lunches that will be located in the ballroom next door. Please return from lunch by 1 p.m. if we need to continue an afternoon session for any reason. We all hope that will not be necessary.

Our first business item this morning is to approve the Official Notice format for our Convention Program. If we vote to accept the Official Notice and Program, we will vote on the proposals in the order in which they appear in those publications.

I also want to point out that by adopting the Official Notice, you will have approved the emergency legislation adopted by the Presidents Council as described in Appendix B, pages 39 to 40; the interpretations in Appendix C, pages 41 to 46; the noncontroversial legislation in Appendix D, pages 47 to 85; and the intent-based amendments in Appendix E, pages 87 to 90.

These interpretations and amendments have all been approved by the Management Council and Presidents Council during the past 12 months. We will not discuss any of them individually unless you move to do so.

I will now ask for someone to make a motion to adopt the Official Notice and the printed program of this Convention so that we may proceed with our work. After such a motion, we then can consider any motions to reorder proposals. Do I have such a motion?

**Jerry Hughes (University of Central Missouri):** I move the adoption of the program.

**Mr. Jordan:** Is there a second? There is a second.

Is there any discussion? If not, it is now time for our paddle vote on the motion to adopt the Official Notice and printed program. All in favor, please raise your paddles; all opposed, please raise your paddles; any abstentions. The motion is adopted.

This year, the Division II Presidents Council has identified Proposal Nos. 1, 2 and 3 as the consent package, and they are intended to be voted on as a group.

The Division II Presidents Council has identified Proposal Nos. 4 through 6 as those that it believes are of particular interest to the Division II chancellors and presidents, and has included them in the Presidents Council grouping this year.

After considering the Presidents Council grouping, we will then consider the rest of the legislation, beginning with Proposal No. 7, and continuing until we finish with Proposal No. 13.

We are now ready to begin our consideration of legislative proposals. We will start on page No. 1 of the Official Notice with the consent package, Proposal Nos. 1, 2 and 3.

As we begin, I would like to remind you to please state your name and institution or affiliation for the record when you are recognized by the chair, at one of the numbered microphones.

Proposal Nos. 1, 2 and 3 are the consent package, and they will be considered as a group, unless there is an objection. This is a paddle vote. The Management Council and Presidents Council have determined these proposals to be generally housekeeping in nature, and that is why they have been placed in this consent package. All three proposals have effective dates of August 1, 2009.

## CONSIDERATION OF CONSENT PACKAGE

**Deborah Chin (University of New Haven):** On behalf of the Management Council, I move Proposal Nos. 1 through 3 as the consent package.

**Mr. Jordan:** Is there a second? There is a second. Discussion?

**Ms. Chin:** Each of these proposals was placed in the consent package because of the nature of the change being proposed. Each of these three proposals is considered without controversy. Therefore, it's appropriate to vote on all three as a package.

I urge your support.

**Mr. Jordan:** Thank you. Are there any other comments?

It is now time for our paddle vote on the consent package, which is Proposal Nos. 1, 2 and 3. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions. The consent package is carried.

We are now ready to look at Proposal Nos. 4 through 6. This grouping makes up this year's presidential grouping.

## **PERSONNEL — CONDUCT OF ATHLETICS PERSONNEL — RESPONSIBILITY OF HEAD COACH**

Proposal No. 4 is a roll-call vote with an immediate effective date. Therefore, there will be two votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs two-thirds approval to pass. After the effective date vote, we will then have a discussion on the proposal, followed by a roll-call vote on the merits of Proposal No. 4.

**Wendy Taylor May (University of California, San Diego):** On behalf of the Committee on Infractions and the Management Council, I move Proposal No. 4.

**Mr. Jordan:** Is there a second? There is a second. Discussion?

**Ms. Taylor May:** On behalf of the Committee on Infractions and the Management Council, I move the immediate effective date of Proposal No. 4.

**Mr. Jordan:** Is there a second? There's a second.

**Ms. Taylor May:** Proposal No. 4 has an immediate effective date to permit the NCAA enforcement staff to begin assessing whether certain violations incurred by assistant coaches and other administrators involved within a specific sport program rise to the level of a lack of control on the part of the head coach.

**Mr. Jordan:** Are there any other comments?

It is now time for our paddle vote on Proposal No. 4's immediate effective date. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions. The motion on the immediate effective date is adopted.

**Ms. Taylor May:** A head coach has the responsibility for monitoring his or her sport program, including the activities of assistant coaches, other involved staff members, and student-athletes, to ensure that the program remains compliant with NCAA rules.

Often when members of a sport program staff are involved in serious violations, head coaches profess ignorance of such violations because their responsibilities were entrusted to assistant coaches. A head coach is presumed to have knowledge, and therefore responsibility for the actions of those individuals who report directly or indirectly to the head coach.

A violation of Proposal No. 4 will occur only in major-infractions cases or very serious secondary cases, and does not imply that every violation by an individual involved in the head coach's program will result in a finding of a lack of control by the head coach. This type of violation will not be levied if the head coach has set a proper tone of compliance within his or her program.

Finally, it should be noted that this proposal was adopted by Divisions I and III previously, and will align all three divisions regarding the responsibilities of head coaches.

For these reasons, we urge your support of Proposal No. 4.

**Mr. Jordan:** Is there further discussion?

We are now ready to vote on the merits of Proposal No. 4 by roll-call vote.

[Proposal No. 4 was adopted, 273-3-1.]

## **DIVISION MEMBERSHIP — DEFINITIONS AND APPLICATIONS — EMERGING SPORTS FOR WOMEN — ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL AND SAND VOLLEYBALL**

Proposal No. 5 is a roll-call vote with an effective date of August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball, and August 1, 2010, for the addition of sand volleyball.

**Donna Fields [St. Mary's University (Texas):** On behalf of the Committee on Women's Athletics and the Management Council, I move Proposal No. 5.

**Mr. Jordan:** Is there a second? There is a second. Discussion?

**Ms. Fields:** When the NCAA adopted the recommendations of the Gender Equity Task Force in 1994, one of the proposals was the creation of the list of emerging sports for women. The purpose of the proposal was to

identify and develop participation opportunities and potential NCAA championship sports for women. Nine sports were on that first list.

In the past 14 years, some sports like ice hockey and bowling have become championship sports, while others have been added to the list.

The Committee on Women's Athletics received a request last July to add sand volleyball to the list of emerging sports for women. The request included extensive data about the sport and participants, 12 university commitment letters, five of which came from Division II institutions, and support from conference offices, USA Volleyball and the United States Olympic Committee.

The data reviewed by the Committee on Women's Athletics indicates that over 220,000 females, ages 6 to 17, play sand volleyball, and over 60 percent of these females play only sand volleyball. In addition, 45 teams from NCAA institutions competed in sand volleyball tournaments in spring 2008.

Although there is data confirming the increasing popularity of the sport, the membership will need time to develop rules regarding the length of the playing and practice seasons, financial aid limitations, number of student-athletes competing at each event, uniforms, and others. Therefore, the proposal has a delayed effective date of August 2010 to allow for these rules to be vetted.

Adoption of this proposal will also remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women.

The NCAA regulations require that emerging sports gain championship status within 10 years, or show steady progress toward the goal. These four sports have seen minimal sponsorship growth over the past 14 years. Therefore, in July 2007 the institutions, conferences and national governing bodies supporting these sports were notified by the Committee on Women's Athletics that they needed to provide a minimum of 10 commitment letters from NCAA schools by July 2008, and that failure to meet that request would result in a recommendation for their removal from the list. None of the four sports were able to meet that requirement.

If the proposal is adopted and the four sports are no longer considered an emerging sport for women, an institution may still elect to conduct the sport as a varsity sport, may consider the sport in its gender equity efforts, and may seek an NCAA waiver to continue to count the sport towards its membership requirements.

For all of the reasons previously stated, I urge you to vote in support of this proposal.

**Cheryl Norton (Southern Connecticut State University):** On behalf of the Presidents Council, I would like to speak in support of this proposal.

With the elimination of archery, badminton, synchronized swimming and team handball, adding sand volleyball will bring the list of emerging sports for women to four: equestrian, rugby, squash and sand volleyball.

In Division II, indoor volleyball ranks as one of the top five participation sports for women, and top 10 for minorities. The growth in popularity as a recreational, Olympic, professional, and youth sport for women has resulted in sand volleyball becoming one of the fastest-growing sports in our country.

More importantly, it is expected that adding sand volleyball will result in a significant increase in participation opportunities for women. If only 10 percent of the current NCAA programs with indoor sports add a varsity sand volleyball team, almost 500 new participation opportunities for women would be created. If 30 percent of our schools add sand volleyball to their varsity offerings, sand volleyball would rank as one of the top NCAA sports for women.

Support of this proposal will simply place sand volleyball on the list of emerging sports, and allow the membership to develop the sport in an NCAA-appropriate format, monitor its growth, and determine if it should develop into a championship sport.

As with other emerging sports, such as equestrian and rugby, this period of time is required to develop applicable NCAA rules that would benefit female participants. For example, a doubles format, like tennis, could provide participation opportunities at each competition for at least 10 female student-athletes.

As stated, sand volleyball has captured national interest, and would provide opportunities for increased female sports participation. As an emerging sport, the depth of this interest and model of competition could be tested and evaluated.

For these reasons, I urge you to support changes to the list of emerging sports for women. Thank you.

**Mr. Jordan:** Is there further discussion? It is now time to decide Proposal No. 5.  
[Proposal No. 5 was adopted, 249-13-13.]

## DIVISION MEMBERSHIP AND COMMITTEES — AUDIT OF MEMBERSHIP REQUIREMENTS

Proposal No. 6 is a roll-call vote with an effective date of August 1, 2009.

**Roger Thomas (University of Mary):** On behalf of the Membership Committee, I move Proposal No. 6.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Thomas:** According to current legislation, an institution will be placed on probation for its failure to meet membership requirements, such as minimum sports sponsorship, minimum financial aid, or completion of the Institutional Self-Study Guide. If an institution fails to meet the same requirements within 10 years of being placed on probation, the institution will be placed in restricted membership status. However, an institution may be on probation in each of the membership areas concurrently without triggering restricted membership status.

This proposal will allow the Membership Committee to conduct an audit of an institution that is on probation for failure to meet membership requirements in more than one area during a 10-year period.

The Membership Committee is committed to strong Division II institutions that support the philosophy and strategic position of the division as a whole. The Membership Committee will audit an institution that fails to satisfy more than one membership requirement in a 10-year period, to ensure that it will make progress towards meeting these requirements.

In addition, the committee wants to educate those institutions through the audit, and hopefully divert them from a path to restricted membership status.

Adoption of this proposal will also give the Membership Committee the authority to impose conditions or penalties that an institution must satisfy during the probationary period. This will allow the committee to focus on the weaknesses detected during the audit, and help the institution make improvements in the areas identified.

For these reasons, I strongly urge your support for this proposal.

**Drew Bogner (Molloy College):** On behalf of the Membership Committee and Presidents Council, I would like to speak in support of Proposal No. 6.

This proposal provides an important opportunity for our division to recommit to maintaining institutions that support the administrative and athletics attributes that should define a Division II member.

As we enter the next stage of our strategic plan, one of the goals is to ensure that we attract and maintain institutions that support the strategic position and philosophy of Division II. I would like to stress that Proposal No. 6 is not meant to punish Division II institutions that fail to meet one particular membership requirement. Rather, it is intended to allow the Membership Committee to audit two or more areas in which a particular institution has failed to meet these requirements. These audits can provide clarity to specific situations, and perhaps curtail more serious issues that could jeopardize an institution's status as a member in good standing.

Without the passage and implementation of Proposal No. 6, there is very little that the Membership Committee can do for those institutions that continually struggle to meet membership requirements. Allowing institutions to continually struggle with meeting these requirements will, in turn, do the exact opposite of what our strategic plan intends. In addition, it will undo the hard work that our division has invested over the past few years in identifying exactly who we are and who represents us as a division.

For these reasons, I ask you to join me and my fellow Presidents Council colleagues in supporting this proposal.

**Mr. Jordan:** Any further discussion? It is now time to decide Proposal No. 6.  
[Proposal No. 6 was adopted, 269-6-0.]

**RECRUITING — LETTER-OF-INTENT PROGRAMS, FINANCIAL  
AID AGREEMENTS — TRANSCRIPT PRIOR TO NATIONAL LETTER  
OF INTENT OR WRITTEN OFFER OF ATHLETICALLY RELATED FINANCIAL AID**

Proposal No. 7 is a paddle vote with an effective date of August 1, 2009. I refer you to the green procedural issues document, pages Nos. 1 and 2, Item No. 7, for the noncontroversial legislative amendment to Proposal No. 7 that has been adopted by the Presidents Council and Management Council.

**Ann Jirkovsky (Bellarmine University):** On behalf of the Academic Requirements Committee and the Management Council, I would like to move Proposal No. 7.

**Mr. Jordan:** Is there a second? There's a second.

**Ms. Jirkovsky:** Current legislation prohibits member institutions from offering athletically related financial aid to a high school or preparatory school prospective student-athlete until he or she has registered with the NCAA Eligibility Center and has been added to the Institutional Request List. However, merely registering with the Eligibility Center and being placed on an IRL does not, in itself, provide the necessary tools to guarantee that a prospective student-athlete's academic preparation has been evaluated for purposes of NCAA eligibility.

Proposal No. 7 would further stipulate that institutions could not extend a written offer of aid or provide a National Letter of Intent to a prospective student-athlete, including two-year and four-year college transfers, until that prospect presents the institution with a transcript.

Requiring early submission of transcripts will enable the institution to give the prospect an analysis of his or her initial eligibility or transfer status, and overall readiness for the rigors of the academic program that institution offers.

If a prospective student-athlete does not send a transcript to the institution early in the recruiting process, the institution might not have enough time to advise the prospect about possible academic deficiencies. If such deficiencies are identified, a prospective student-athlete can attempt to correct the deficiencies because Division II legislation permits a prospective student-athlete to continue taking core courses, or the ACT or SAT, prior to initial full-time collegiate enrollment.

Early engagement between the institution and a prospect will increase the likelihood that prospects will arrive on campus eligible and better prepared academically.

For these reasons, I urge you to support this proposal. Thank you.

**Christopher Odom (Lone Star Conference):** I am a member of the national Student-Athlete Advisory Committee, speaking on behalf of all Division II student-athletes.

The Division II SAAC supports Proposal No. 7 for the following reasons. This proposal demonstrates the priority that Division II places on importance of academics and the student-athlete experience, by requiring that a prospective student-athlete provides the institution with a current transcript prior to the institution submitting a written offer of financial aid or National Letter of Intent. This will allow the institution the opportunity to evaluate the academic readiness of the prospect, and to provide them with an analysis of their eligibility status.

It additionally serves as an early indicator to coaches and administrators regarding a student-athlete's ability to handle the academic workload at the institution, prior to enrollment. Prospective student-athletes can be informed prior to arriving on campus of any deficiencies they may have, which would allow them to avoid future academic issues. This will increase the number of prospects who arrive on campus and are eligible for practice, financial aid and competition. This will benefit not only the prospective student-athlete, but the entire team.

We encourage you to support this legislation.

**Mr. Jordan:** Thank you. Any other discussion?

It is now time for our paddle vote on Proposal No. 7. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions. Proposal No. 7 is adopted.

**ELIGIBILITY — HARDSHIP WAIVER — PERCENTAGE CALCULATION**

Proposal No. 8 is a roll-call vote with an effective date of August 1, 2009. This is a membership-sponsored proposal, sponsored by the Lone Star Conference and the Mid-America Intercollegiate Athletics Association.

**Trey Cone (University of Central Oklahoma):** On behalf of the Lone Star Conference and the Mid-America Intercollegiate Athletics Association, I move Proposal No. 8.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Cone:** Proposal No. 8 brings benefit to student-athletes who have suffered incapacitating injuries.

To qualify for a hardship waiver under current legislation, a student-athlete must have participated in not more than two contests or dates of completion, or 20 percent of the institution's scheduled or completed contests or dates of completion.

This proposal removes the "scheduled" aspect, and replaces it with a provision for 20 percent of the maximum permissible number of contests or dates of completion set forth in Bylaw 17.

This change allows for a more equitable denominator when performing hardship waiver calculations for all student-athletes, regardless of the institution's scheduling patterns. The intent of this change is to ensure fair and comparable opportunities for student-athletes who generally have little or no say in scheduling matters. This proposal would level the playing field for student-athletes throughout the division, even though their institutions might have scheduled fewer contests or dates of completion due to conference, budgetary, philosophical and/or geographical constraints.

Finally, this proposal would eliminate the provision that a conference championship shall be counted as one contest or date of completion in determining the institution's completed contests or dates of completion in that sport.

Allowing all contests in a conference championship to be counted only further accommodates student-athlete well-being in those instances when the institution has completed more contests than the limits set forth in Bylaw 17.

For these reasons, and for the benefit of our injured student-athletes, I urge you to vote for this proposal.

**Paul Engelmann (University of Central Missouri):** I'm speaking in favor of Proposal No. 8.

The main purpose of hardship legislation is to provide a meaningful participation opportunity for our student-athletes. For decades, when we were one body, with the three divisions using the same rules, we defined that as 20 percent rounded up, or two contests, whichever was greater, which had to be completed in the first half of the season.

Then we federated Division II, and the deregulation process decided that, what difference did it make if 20 percent of the contests were in the first or second half of the season, and we got rid of that difference.

Then we went a little bit further later on and said we had run into situations where schools, typically due to weather, found that they didn't get to participate in all the contests they scheduled, but someone had an injury early in the season, and if they didn't find some contests at the end of the season, they wouldn't meet the 20 percent calculation, so they were running around, trying to schedule contests. So then we broadened it a little bit more, to either completed or scheduled dates of competition.

Now, we want to take it to what we believe is the next logical step. If you keep in mind that the purpose of the bylaw is to provide a meaningful participation opportunity, it just doesn't make any sense to us to say that a student-athlete who attends School A, which for budgetary or weather or whatever reasons, is only able to schedule a smaller number than the maximum number of physical contests, has a meaningful participation opportunity with a smaller number of games under that 20 percent rule, than someone else who is fortunate enough to go to a school with a bigger budget or better weather possibilities, and can participate in more contests.

If you look at the future, our budgets are such that schools are probably going to find themselves voluntarily cutting back, and this difference between scheduled and completed, or as opposed to distance-permitting, maximum permissible contests is going to become even more important.

So for those reasons, and basic simplicity and fairness, I would encourage you to vote for this proposal.

**Nathan Salant (Gulf South Conference):** I raise a question.

In the sport of baseball, for example, a starting pitcher, potentially a star pitcher, could make 11 starts, suffer an injury at the very end of the season, and receive a medical hardship waiver. There may be other good examples in other sports along those lines.

My question is, has the committee or have the two conferences sponsoring this legislation, fully examined those kinds of ramifications?

**Mr. Engelmann:** Nate, this legislation that we're proposing really doesn't change anything. We recognized when we went to the proposal that changed to 50 percent any time during the year, that particularly in baseball, particularly for pitchers, you had this unique situation where you could have a pitcher who was injured toward the end of the season, and might meet the requirement for the hardship. And we decided, you know what? To benefit everybody else, that was a cost we were willing to pay. I'm not talking about me. I'm talking about the Association.

This really doesn't change it. It just means that that pitcher who plays for a school that can only have 36 contests because of weather or whatever, gets the same consideration as a pitcher who plays for an institution that schedules the full 56.

**Matt Cochran (Northeastern State University):** I wish to speak in support of Proposal No. 8 because I'm aware of several real-life examples in which this proposal would have benefited student-athletes in recent years.

During the 2006 football season, a student-athlete at Northeastern State University suffered a season-ending injury on the first play of the third game of the season. That year, Northeastern State's football team had scheduled only 10 games. The primary reason an 11th game had not been scheduled was due to conference scheduling, given that our team had an open week during the ninth week of the season. Obviously, opponents are hard to find during the ninth week of the season when most teams are engaged in conference play.

In this particular situation, the student-athlete was not eligible for a hardship waiver because he participated in three contests, and the team had only completed 10 contests. However, if the team had scheduled 11 games, as permitted by Bylaw 17, the student-athlete would have satisfied the hardship waiver requirements.

This was brought to my attention, however, that the current legislation sometimes discriminates against student-athletes for reasons beyond their control.

Another example, in our conference we have two softball programs that are located within 60 miles of each other, but the two coaches have completely different scheduling philosophies. One institution, over the past five seasons, has completed an average of 57 contests prior to NCAA regionals, while the other, just 60 miles away, has competed an average of 17 fewer contests during that same span.

What this means is a student-athlete from each institution could suffer an incapacitating injury in the team's 10th contest of the season, they might even be playing each other, but due to the difference in scheduling philosophies, one student-athlete may qualify for the hardship waiver, while the other would be disqualified. Again, this is an example of how the treatment of student-athletes under current legislation lacks consistency.

By allowing institutions to figure hardship waiver requests based on the maximum permissible number of contests or dates of competition set forth in Bylaw 17, Division II members would be able to provide more consistent and fair evaluations of season-ending injuries or illnesses.

For this reason, I ask you to join me in supporting Proposal No. 8.

**Mr. Jordan:** Thank you. Further discussion?

Seeing none, it is now time to decide Proposal No. 8.

[Proposal No. 8 was adopted, 265-9-0.]

## **ELIGIBILITY — SEASON-OF-COMPETITION WAIVER — COMPETITION WHILE ELIGIBLE — DOCUMENTED COACH'S MISUNDERSTANDING — PENALTY**

Proposal No. 9 is a paddle vote with an effective date of 2009.

**Michael Marcil (Sunshine State Conference):** On behalf of the Student-Athlete Reinstatement Committee, I move Proposal No. 9.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Marcil:** This proposal will assess a two-for-one withholding condition when a season-of-competition waiver is granted for eligible student-athletes who participate in a limited amount of nonregular-season competition due to a coach's documented misunderstanding of the legislation.

The Student-Athlete Reinstatement Committee recognizes that a student-athlete or a student-athlete's immediate family member, suffering from a life-threatening injury or illness or extreme financial difficulties, are circumstances outside the control of the student-athlete or the institution. As a result, it is fair and consistent not to withhold a student-athlete on a two-for-one basis, when he or she satisfies those parameters of the current waiver process.

However, those cases in which a coaching staff member allows a student-athlete to participate in nonregular-season competition due to the coach's error, are within the control of the institution, and are very different from cases involving injuries or financial difficulties.

In order to eliminate abuses of the legislation in this type of circumstance, the Student-Athlete Reinstatement Committee believes that assessing a two-for-one withholding condition is appropriate. In addition, the committee believes that applying a penalty is the only way to hold an institution accountable for the misunderstanding of the legislation.

For all the reasons stated, please vote in support of Proposal No. 9.

**Sharon Taylor (Lock Haven University of Pennsylvania):** I must admit some confusion when we originally passed this legislation regarding the misunderstanding. Allowing for the fact that there might have been competition-induced amnesia on the part of the coach, I voted for it because at least it protected the student-athlete.

For the Reinstatement Committee to come back with a piece of legislation, which the essence of the rationale says, since a violation is not assessed, the only way to hold an institution accountable is to impose a withholding condition on the student-athlete, I believe is against everything that we in Division II have just talked about for the last hour and 35 minutes.

I would be happy to make some suggestions as to how institutions could be held responsible, or the assessment of a substantial fee, or something, would get the attention of the athletics director, the coach, the president, whomever we are directing for the control of the institution and what we do. But I truly don't believe that to put it on the backs of student-athletes is in the best interests of the student-athletes, nor is it in line with our alleged philosophy of student-athlete welfare.

I urge my colleagues to turn this down in overwhelming numbers.

**Brittanie Roldan (Mid-America Intercollegiate Athletics Association):** I am a member of the national Student-Athlete Advisory Committee, speaking on behalf of all Division II student-athletes.

The Division II SAAC opposes Proposal No. 9 for the following reasons: first, as student-athletes, we should not be penalized for a coach's misunderstanding. Although student-athletes are required to understand Division II rules and regulations, we are not always provided the appropriate training or the necessary resources to fully understand the current Division II bylaws.

As student-athletes, we have limited seasons and semesters to participate in the sports that we love. Therefore, do not punish student-athletes for following the direction of their coaching staff.

We encourage you to oppose this legislation.

**Suzanne Sanregret (Michigan Technological University):** On behalf of the Student-Athlete Reinstatement Committee and the Management Council, I would like to speak in support of Proposal No. 9.

The Division II membership recently adopted the coach's documented misunderstanding of the legislation as an extenuating circumstance within the "Season-of-competition-waiver — competition-while-eligible" legislation. The adoption of this legislation will benefit deserving student-athletes whose coach misunderstood that by entering him or her into limited nonregular-season competition, the student-athlete would trigger the use of an entire season of competition.

Due to the circumstance being within the control of the institution, and to avoid abuses of the documented misunderstanding of the legislation, situations assessing a two-for-one withholding condition for each contest in which a student-athlete participates is appropriate.

It is also important to note that Division I has similar legislation, and adopting the penalty in Division II would bring consistency across the two divisions.

For these reasons, I urge your vote in support of Proposal No. 9. Thank you.

**Nathan Salant (Gulf South Conference):** There's a very old saying, "An eye for an eye, and a tooth for a

tooth." It wasn't meant that if someone's eye was put out, you put the other person's eye out. What it meant was that the crime or the sin should be equitably treated.

In this case, we are punishing an innocent student-athlete, probably a freshman who is very nervous and gets ordered into a contest in a nontraditional season or an exhibition or scrimmage event, and the punishment is going to be that they cannot play some number of regular-season games the following year, or the year in which the waiver is granted. That doesn't seem very fair.

**Mr. Jordan:** Thank you. If there's no further discussion, it is now time for our paddle vote on Proposal No. 9. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions, please raise your paddles. Proposal No. 9 fails.

**Sharon Taylor (Lock Haven University of Pennsylvania):** Point of personal privilege.

**Mr. Jordan:** Please.

**Ms. Taylor:** It is my understanding, as we went through the discussion on this topic yesterday, that the Student-Athlete Reinstatement Committee, in the absence of any direction, has been imposing such a two-for-one penalty on student-athletes since the legislation was adopted.

May I suggest that this vote be instructive to the Student-Athlete Reinstatement Committee, and that that be taken into consideration in the future, and that perhaps that not occur, based on this vote. Thank you.

**Mr. Jordan:** I think we ought to have a clarification whether that is or is not a correct fact.

(Off-the-record discussion.)

**Mr. Jordan:** First of all, thank you for raising the issue. At this time, we don't know if it's taking place, so we will ascertain that. But it is also very clear from the vote of the membership, that if it is, it is clear that it shouldn't be. So thank you for your comment.

**PLAYING AND PRACTICE SEASONS — GENERAL PLAYING-SEASON REGULATIONS  
— TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES — WEEKLY HOUR  
LIMITATIONS — OUTSIDE OF PLAYING SEASON — EXCEPTION —  
ALTERNATE PLAYING SEASON — GOLF AND TENNIS**

We're now ready for Proposal No. 10, which is a paddle vote with an immediate effective date. There will be two paddle votes on this proposal. The immediate effective date will be considered first by paddle vote, and it needs two-thirds approval to pass. After the effective date vote, we will then have a discussion on the proposal, followed by a vote, again by paddle, on the merits of Proposal No. 10.

**Diana Kling (Peach Belt Conference):** On behalf of the Legislation Committee, I move Proposal No. 10.

**Mr. Jordan:** Is there a second? There is a second.

**Ms. Kling:** On behalf of the Legislation Committee, I move the immediate effective date of Proposal No. 10.

**Mr. Jordan:** Is there a second? There is a second.

**Ms. Kling:** Proposal No. 10 has an immediate effective date to allow institutions that conduct their championship segment for golf or tennis during the fall, to take advantage of the opportunity to amend their nonchampionship segment during the 2009 spring semester.

**Mr. Jordan:** Thank you. Is there further discussion?

It is now time for our paddle vote on Proposal No. 10's immediate effective date. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions, please raise your paddles. The immediate effective date is adopted.

**Ms. Kling:** Under current legislation, an institution that conducts its championship segment in golf or tennis during the fall must conclude the nonchampionship segment and cease all athletically related activities in the spring, seven days prior to the institution's final examination period, through the end of the final examination period, even if the team is under consideration for participation in a postseason championship.

Such restrictions place teams that use this alternate playing season, and that may have an opportunity to participate in a championship, at a competitive disadvantage, and can present a student-athlete well-being concern if there is an extended period of time without practice and conditioning before the championship begins.

This proposal will permit an institution that conducts its championship segment in the fall, to resume practice during the nonchampionship segment in the spring after the conclusion of its final exam period, or 10 consecutive calendar days prior to the start of the championship, whichever is earlier.

An institution may only take advantage of the proposed legislation when there is a reasonable belief that the institution is under consideration for selection to participate in a championship.

Moreover, this proposal provides for competitive equity and student-athlete well-being, without unnecessarily compromising the legislation currently in place, which was intended to protect the student-athletes' time to study and prepare for final examinations during the nonchampionship segment.

For all of these reasons, I urge you to vote in favor of this proposal. Thank you.

**Mr. Jordan:** Thank you. Is there further discussion?

We're now ready to vote on the merits of Proposal No. 10. It is now time for our paddle vote on Proposal No. 10. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions, please raise your paddles. Proposal No. 10 is adopted.

### **PLAYING AND PRACTICE SEASONS — TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES — INSTITUTIONAL VACATION PERIOD — STRENGTH AND CONDITIONING PERSONNEL DESIGNING AND CONDUCTING WORKOUT PROGRAMS**

Proposal No. 11 is a roll-call vote with an immediate effective date. Therefore, there will be two votes on this proposal. The immediate effective date will be considered by paddle vote, and it needs a two-thirds approval to pass. After the effective date vote, we will then have a discussion on the proposal, followed by a roll-call vote on the merits of Proposal No. 11.

This is a membership-sponsored proposal, sponsored by the Lone Star Conference and the Mid-America Intercollegiate Athletics Association.

**Stan Wagnon (Lone Star Conference):** On behalf of the Lone Star Conference and the Mid-America Intercollegiate Athletics Association, I move Proposal No. 11.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Wagnon:** Someone needs to move the immediate effective date.

**Mr. Jordan:** Exactly.

**Jim Johnson (Mid-America Intercollegiate Athletics Association):** I would like to move for the immediate effective date of Proposal No. 11.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Johnson:** This proposal applies specifically to activities that occur during the summer. Should Proposal No. 11 be adopted, the immediate effective date will allow member institutions to apply the legislation this coming summer.

**Mr. Jordan:** Is there further discussion on the immediate effective date?

Seeing none, it is now time for our paddle vote on Proposal No. 11's immediate effective date. All in favor, please raise your paddles; all opposed, please raise your paddles; abstentions, please raise your paddles.

Because it is unclear from the chair whether we had sufficient votes to meet the two-thirds qualification, we are going to go to a roll-call vote on the immediate effective date.

On the immediate effective date: Yes votes were 143; no votes were 121; abstentions, 10. There are not sufficient votes to support the immediate effective date. The motion fails.

**Mr. Wagnon:** Yes, Proposal No. 11 would allow strength and conditioning personnel to design and conduct specific workout programs for student-athletes during the summer, provided the workouts are voluntary and conducted at the request of the student-athlete.

At present, strength and conditioning personnel are precluded from conducting workouts during the summer because current legislation restricts them to monitoring for safety purposes only. This, in effect, means strength coaches can be present, but not actively involved, except for safety purposes.

This proposal would allow strength and conditioning personnel to design and conduct specific workout pro-

grams for student-athletes as they do during the academic year, but it does not change anything with regard to the fact that such workouts during the summer must be voluntary and at the request of the student-athlete.

It does not change the fact that attendance and participation in the activity, or lack thereof, may not be recorded for the purposes of reporting such information to coaching staff members or other student-athletes.

Also, the fact remains that no equipment related to the sport is to be used in conditioning activities.

The only change is that strength coaches would have the ability to conduct and be actively involved in the workouts, instead of just monitoring for safety purposes.

It is a change in which student-athletes would benefit, both in achieving increased performance, and with regard to safety, by being allowed to work more closely with strength coaches. It's a change that would result in legislation that is more clearly understood and easier to enforce than our current policy.

There's no denying that part of the rationale for crafting this proposal is the difficulty our membership has had in defining what it means to monitor, not to mention, our ability, or inability, to enforce it.

In that light, I ask you to support Proposal No. 11.

**Butch Raymond (Northern Sun Intercollegiate Conference):** On behalf of the Committee on Competitive Safeguards and Medical Aspects of Sports, I would like to speak in opposition to Proposal No. 11.

This proposal would allow strength and conditioning coaches to run student-athletes through rigorous conditioning drills in the summer. Many Division II athletic training staff are on a nine- or 10-month contract and not available during the summer months. If this proposal is adopted, these two facts could lead to an inability to respond to medical injuries triggered by exertion, such as cardiac arrest, heat illness, and exertional sickling in athletes with sickle cell trait, all of which require immediate intervention.

In addition, Division II institutions do not require, via legislation, CPR or first aid certification for its coaching staff.

Further, if a strength and conditioning coach conducting the voluntary summer workouts is also a coach for one of the institution's teams, those student-athletes that are members of the specific sport may feel that participation in the workouts is mandatory, rather than voluntary.

These concerns combine to create a counterargument to the suggested benefit of a "safe and controlled environment" identified in the proposal.

Currently, Division II is not in a place to successfully support this logistical and cultural change, and therefore, I ask you to vote against this proposal.

**Jared Mosley (Abilene Christian University):** I speak this morning in support of Proposal No. 11.

As we have all seen the Official Notice and heard this morning on the Convention floor, the Committee on Competitive Safeguards and Medical Aspects of Sports has opposed this proposal. While I believe that the Committee on Competitive Safeguards and Medical Aspects of Sports is a good committee that has offered many good contributions to Division II over the years, I feel compelled to point out that the arguments that this committee has used to justify its position are issues not related to the proposal at hand. Rather, they are problems that already exist with the current Division II legislation, and in some cases, they are the exact reasons that we had proposed this change.

I would like to note that the CSMAS is a committee that has but one Division II representative, so perhaps where this committee thinks Division II currently stands with regard to our summer conditioning activities is not completely understood.

Many Division II student-athletes already put themselves through rigorous conditioning activities on our campuses during the summer, whether they are enrolled in classes or not, and athletic training staff's presence at those workouts, or lack thereof, is already an issue with student-athletes who choose to condition on our campuses under the monitoring of our strength coaches. The risk is already there, not to mention the liability, through our monitoring efforts.

Further, the fact that Division II does not require CPR or first aid certification of its coaches is no more relevant to this proposal than it is to the current legislation, or to discussions about practice, or even competition for that matter.

The committee's concern about a strength coach, who also serves as an assistant coach in a particular sport,

is a statement against a completely separate bylaw which permits such action in Division II.

Regardless, if a coach in that institution is going to make a student-athlete feel as if workouts are mandatory instead of voluntary, that coach is capable of the same behavior right now because he or she is the same person monitoring summer workouts under our current legislation.

In conclusion, I don't necessarily disagree with the concerns that are raised by the CSMAS committee, but instead of associating those concerns with this proposal, I urge you to see this proposal as a way to relieve those concerns by enabling a more committed approach to safety and development of student-athletes during the summer.

The committee's position is that it doesn't believe Division II is in a place to support a change of this nature. I think the risks and liabilities brought about by our current legislation, not to mention the widespread confusion about what it means to monitor and how to enforce it, are all reasons to believe we're actually in a place where a change of this nature is needed. Thank you.

**Beverley Pitts (University of Indianapolis):** On behalf of the Presidents Council, I also rise to speak in opposition to Proposal No. 11.

There is a need to preserve a balance between academics and athletics. Allowing strength and conditioning personnel to both design and conduct workouts during the summer vacation shifts the balance in favor of athletics.

In addition, adoption of the proposal would create an increased risk to student-athletes' health and safety, rather than creating a safer environment. It should be noted that current legislation already provides safeguards to ensure that voluntary individual workouts conducted in the summer occur in a safe and controlled environment, by allowing strength and conditioning personnel to monitor these workouts. Monitoring the situation includes observing and watching closely to ensure that student-athletes are provided a safe and controlled environment. Such coaches may demonstrate proper technique and give advice to ensure that the workout is taking place in an appropriate fashion.

In addition, during the summer months, we believe there might not be enough human resources available to respond to medical emergencies that might be triggered by conditioning drills run by strength coaches, who, it must be emphasized, are not required by legislation to be certified in first aid and CPR. Without the proper safeguards that are commonly in place during the academic year, student-athletes participating in summer conditioning drills will lack a safety net if a medical condition is triggered by exertion.

For this reason and for the well-being of our Division II student-athletes, we strongly urge you to oppose Proposal No. 11.

**Drew Waters (Northern Sun Intercollegiate Conference):** I'm a member of the national Student-Athlete Advisory Committee, speaking on behalf of all Division II student-athletes.

Division II SAAC opposed Proposal No. 11 for the following reasons. This proposal may interfere with various opportunities for us, as student-athletes, such as summer internships, studying abroad or time to travel home. Furthermore, we may feel pressured to attend these voluntary workouts, for fear it may impact our playing time. Finally, under this legislation, a strength and conditioning coach may design and conduct a workout for any student-athlete; however, this coach may not have vital sport-specific training or knowledge of each individual sport, which could potentially endanger a student-athlete's health, as well as their ability to perform in their sport.

We encourage you to oppose this legislation.

**Kevin Schriver (Southwest Baptist University):** I wish to offer support of Proposal No. 11 because of the idea that "designing" and "conducting" is a much clearer concept to both define and enforce, than the idea of "monitoring."

The bylaw that allows for strength and conditioning personnel to monitor voluntary workouts for safety purposes was adopted back in 2002. Yet, it took more than six years for us to address what it really means to monitor, which was done by the Division II Legislation Committee this past fall.

"Monitor," it seems, is as difficult a word to define as "occasional" is for occasional meals or "reasonable" is for reasonable expenses. Certainly, if it is that hard to define, it is equally hard to enforce.

For those institutions that do not currently monitor summer workouts, this proposed legislation changes noth-

ing. But for those institutions that do provide strength and conditioning personnel to monitor the summer workouts, the clarity to now conduct and design makes it easier to ensure that institutions are engaged at the same extent of their summer workouts, and that such workouts are administered more consistently.

Additionally, this proposal would allow institutions to provide better service to its student-athletes during the summer, while not changing anything with regard to the voluntary aspect, and would not increase the liability or risk that we already incur by allowing these activities to occur on our campuses already.

For these reasons, I would ask you to join me in supporting Proposal No. 11.

**Scott Gines (Texas A&M University-Kingsville):** I support Proposal No. 11, and I'll share two thoughts related to the term "voluntary."

One, this proposal does not change anything regarding the voluntary aspect of summer conditioning activities. Any question about whether or not activities are truly voluntary under this proposed legislation is a question that currently exists under our existing legislation. The only proposed change is how strength coaches are permitted to interact with student-athletes once they voluntarily choose to participate.

Two, it is important to remember that we're discussing activities that occur on our campuses during the summer months when student-athletes are not required to be on site. When a student-athlete elects to reside in our community during the summer months and use the weight room, instead of returning home, this demonstrates a voluntary act at its very core. The reality is many of our student-athletes, especially those in fall sports, are choosing to stay on campus during the summer to train with their teammates in order to better prepare for their upcoming seasons. Thank you.

**Mr. Jordan:** Thank you. Is there any further discussion?

Seeing none, it is now time to vote on the merits of Proposal No. 11 by roll-call vote.

[Proposal No. 11 was defeated, 119-153-3.]

## PLAYING AND PRACTICE SEASONS — BASKETBALL — FIRST CONTEST

Proposal No. 12 is a roll-call vote with an effective date of August 1, 2009. This is a membership-sponsored proposal, sponsored by the Mid-America Intercollegiate Athletics Association and the Peach Belt Conference.

**Jim Johnson (Mid-America Intercollegiate Athletics Association):** On behalf of the sponsors, I would like to move Proposal No. 12.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Johnson:** Thank you.

I know that some delegates are apprehensive to address this issue again this year, but it is good legislation for the division.

Last year, there were two proposals regarding the start of the basketball season. Last year's proposal to amend the start date for competition was probably viewed as a package with the proposal to amend the practice start date. We think we now know that the real benefit to the division relates only to the competition start date. Therefore, we bring this issue before the membership again for further discussion.

We have not changed the competition start date in basketball for a number of years. Throughout deregulation, we purposely left basketball and other winter sports alone. We have experimented and changed multiple times the start dates for fall and spring sports, but not basketball.

Changing the start date to the second Friday in November, instead of the 15th, has many benefits, among which is the fact that the basketball season will always begin on a Friday, allowing for season-beginning events and tournaments in the first weekend of the season, and reducing travel and missed class time. It also provides for more scheduling flexibility for conferences that must begin conference play in early December.

Last year, we heard that the second Friday was more difficult to administer and was an inconsistent start date, and that November 15 was easier to find on the calendar. Respectfully, the sponsors would advocate that we can all probably find the second Friday on the calendar without much problem.

One could argue that the second Friday is easier to administer as a start date, as it will always fall on the same day of the week, every year.

Last year, we also heard that this legislation meant that the season could start as early as November 8. This is true once every seven years. The season could also start on November 9 once every seven years, and so on. However, let's not forget that current legislation permits institutions to play scrimmages and exhibition games any time after October 15th. Most all institutions are playing noncountable games now, based on that legislation. This proposal only changes the date that institutions would have the option to play countable games.

We urge your support of Proposal No. 12.

**Beverley Pitts (University of Indianapolis):** I speak on behalf of the Presidents Council in opposition to Proposal No. 12.

Current legislation offers a consistent start date for the first permissible contest against outside competition in basketball. If Proposal No. 12 is adopted, each institution will have to determine the date individually on campus, opening up a greater possibility for a misapplication of the legislation. Mandating a specific calendar date for the first permissible contest in the legislation makes the application of the rule easier to manage.

In addition, the current legislation allows institutions to act autonomously in planning events in their community.

Preseason practice has many benefits. If adopted, Proposal No. 12 could decrease the amount of time student-athletes and coaches have in the preseason, and lengthen the regular season, which could ultimately have a detrimental impact on the preparation and well-being of student-athletes.

We encourage you to oppose this proposal.

**Ann Martin [Regis University (Colorado)]:** On behalf of the Legislation Committee, I would like to speak in opposition of Proposal No. 12.

If adopted, this proposal would create unnecessary confusion in the membership as to what the first permissible contest date for outside competition is in basketball.

In addition, this proposal would increase the length of the regular playing season, while shortening the length of the preseason practice period.

Further, it should be noted that some institutions prefer to have more campus engagement activities on weekdays, rather than weekends, because there are more campus personnel and students available to attend contests during the week.

For these reasons, I urge you to oppose this proposal.

**Kathleen Brasfield (Angelo State University):** On behalf of the Management Council, I would like to speak in opposition to Proposal No. 12.

Adoption of Proposal No. 12 would be agreeing to a different start date every year. The current legislation offers a standard start date that remains consistent from year to year, November 15.

In addition, in some years, this earlier start date would allow the basketball start date to significantly overlap with fall sports. On campuses where facility, space and time are at a premium, an earlier start date than what we already have creates unnecessary complications.

A similar piece of legislation was proposed at the 2008 Convention, and was defeated by more than 175 votes.

Proposal No. 12 offers few differences in the rationale. The changes are not significant enough to support the proposal.

For these reasons, and those previously stated, we urge your opposition of this proposal.

**Samantha Mitchell (Conference Carolinas):** I'm a member of the national Student-Athletes Advisory Committee, speaking on behalf of all Division II student-athletes.

The Division II SAAC opposes Proposal No. 12 for the following reasons. Due to an inconsistent start date, the length of the basketball season may adversely affect our basketball student-athletes' ability to perform well academically. In addition, this proposal would shorten the length of the preseason practice period for these student-athletes.

Since this legislation will result in an earlier start date, the basketball season would cause additional overlap with fall sports, thus further limiting facility availability for student-athletes. Limited facilities are already a problem on many campuses, and this proposal would increase the pressure on already limited resources.

We encourage you to oppose this legislation.

**Keith Vitense (Cameron University):** I rise to speak on behalf of the Lone Star Conference and our conference-wide support of Proposal No. 12 because of the potential academic relief this can bring to student-athletes in the sport of basketball.

As a faculty athletics representative, a significant part of my role on campus is to seek ways to protect and improve student-athlete well-being, particularly with regard to academics. I join my colleagues in the Lone Star Conference in believing that Proposal No. 12 will encourage less missed class time, and reduce conflicts with final exam periods for our basketball student-athletes.

While an explicit advantage to this proposal is to be assured of starting the season on a Friday, which leads to weekend contests and less missed class time, I would like to call your attention to perhaps a less obvious benefit that would pay real dividends in the Lone Star Conference, and possibly with others, as well.

In most years, this proposal would allow countable basketball contests to be played a week earlier than is currently permissible. For our conference, that would free up one more week in which we could play conference games outside of December, which is a month when we are sure to have conflicts with holidays, fall commencements ceremonies, and from an academic standpoint, and most importantly, final exam periods.

Currently, the Lone Star Conference is forced to schedule three weeks of conference play during the month of December. While competition is important, finding a way to keep that competition from conflicting with final examination periods is invaluable.

For that reason, I ask you to join me in support of Proposal No. 12.

**Clint Bryant (Augusta State University):** I would like to speak on behalf of and in support of Proposal No. 12.

Mr. Chair, this proposal will establish a common start date for regular-season contests that will allow an institution to play its first contest on a weekend night.

In addition to permitting the first contest to begin on a Friday, it would provide enhanced opportunities for interconference play, for example, the conference challenge tournament that we all support.

It will allow opportunities to enter into a community engagement initiative in conjunction with the season-opening contest, and reduce missed class time for student-athletes at a critical point in the semester.

In addition, this proposal will enhance scheduling because we will always know that the season starts on a Friday, and that is very beneficial to ADs and coaches. A case in point — the situation in 2008, with Saturday being on the 15th, teams played Saturday and Sunday, and also had to travel Sunday night or Monday morning. This will arguably be worse in 2009 when the 15th is on a Sunday.

The other thing that I find strange — we're already playing exhibition scrimmages and so forth and so on.

As a former basketball coach and a current AD, I strongly urge your support of this proposal.

**Mr. Johnson:** I would like to expand just a little bit on Clint's comment that we're already playing, and make sure we understand, we're just talking about the difference in countable and noncountable games here. The sponsors really do not view this proposal as increasing the length of the playing season. Again, current legislation allows institutions to play scrimmages and exhibition games any time after October 15.

First, the fact that most coaches choose not to play these contests until November 1 or after, is evidence that there is no interest to start the practice season prior to October 15 or play games before that time.

More importantly, it is critical that we understand how many contests our institutions are playing now prior to November 15. It seems if we really did not want the season to start before November 15, or even before November 10, we would not be playing so many noncountable games now.

We have researched 268 institutions. We only excluded independents, and may not have had information on all provisional members. We reviewed schedules of institutions who are members of our 22 conferences. This year in 2008, in the start of the 2008 season, those 268 institutions played 286 men's and women's basketball games prior to November 15. Two-hundred sixty-eight institutions played 286 games. Of those 286 games, 255 games were played before November 10.

This really isn't an issue about when we start playing games. It's an issue about when we can start playing countable Division II games. If we do not want to play countable games prior to the 15th, then maybe we should

examine whether the permissible start date for exempted contests is appropriate.

We also do not believe this is a potential season overlap issue with football, volleyball or soccer. The real overlap issue relates to practice and facility availability. Playing games, arguably, makes that easier. Further, many of these contests might obviously be road games.

Lastly, as the data indicates, we're playing many games and scrimmages now prior to October 15. So if the overlap issue is real, it already exists.

Starting the season on a weekend night makes a lot of sense, and we should adopt this legislation.

**Barry Blizzard (West Virginia Intercollegiate Athletic Conference):** Mr. Chairman, I would remind my colleagues that most conference schedules, which are required schedules, do not start until December.

I would also remind my colleagues that this legislation says that competition would be allowed, and not required. So therefore, if institutions, philosophically, would not like to play that early, they do not have to play that early.

**Mr. Jordan:** Thank you. Any further discussion?

Seeing none, it is now time to decide Proposal No. 12.

[Proposal No. 12 was defeated, 131-142-0.]

## **PLAYING AND PRACTICE SEASONS — BASKETBALL — NUMBER OF CONTESTS — ONCE-IN-THREE YEARS EXEMPTION — CONFERENCE CHALLENGE EVENT**

Proposal No. 13 is a roll-call vote with an effective date of August 1, 2009. This is a membership-sponsored proposal, sponsored by the Mid-America Intercollegiate Athletics Association and the Peach Belt Conference.

**David Brunk (Peach Belt Conference):** I would like to move Proposal No. 13.

**Mr. Jordan:** Is there a second? There is a second.

**Mr. Brunk:** Mr. Chair, one of the cornerstones of Division II is the advocacy of in-region competition. This proposal supports and enhances that principle in one of our premier sports.

We really do need to provide an additional tool that our basketball coaches can use to build their schedules with quality in-region competition. This proposal is such a tool.

If we are not creative with exempted legislation, we could quite possibly be discussing legislation to increase the maximum contest limitation in the future. And based on the current climate, that issue should not come forward.

This proposal is a great compromise. It is only available to institutions once every three years, and is a great incentive for conferences to promote Division II in the sport of basketball.

On behalf of the Peach Belt Conference and the MIAA, I encourage your support of this proposal.

**Mr. Jordan:** Thank you. Further discussion?

Seeing none, it is now time to decide Proposal No. 13.

[Proposal No. 13 was adopted, 164-105-4.]

Congratulations. Pat yourself on the back. We have completed our voting with very few delays. Thank you for your patience.

## **WINDOW OF RECONSIDERATION**

I would now like to open the window of reconsideration for all of the proposals we just considered. Any delegate who voted on the prevailing side of any proposal may move for reconsideration. We will pause for just a few minutes to give delegates who want, a chance to organize, and then I will open the floor for reconsiderations.

During our brief intermission, we will show a short video, highlighting the spring 2008 National Championships Festival.

(Playing of video clip.)

**Mr. Jordan:** We'll come back to order. Are there any motions to reconsider?

It's difficult to tell, so if you're at a microphone, wave your hand.

The window for reconsideration for 2009 proposals is now closed.

## CLOSING REMARKS

A couple of announcements. First of all, box lunches for all the delegates are located outside where breakfast was at this morning. The box lunches are out there for you.

A couple of closing remarks. First of all, I sincerely want to thank all of the delegates for their attention and hard work today. A couple of individuals have made tremendous contributions to our division over the past several years, and I want to recognize those individuals.

First of all, Debbie Chin and Dave Riggins for their outstanding leadership of the Division II Management Council this past year. (Applause.)

I also want to recognize the outgoing Management Council members for their service to Division II: Debbie Chin, director of athletics, University of New Haven; Donna Fields, senior woman administrator at St. Mary's University (Texas); Eugene Hermitte, faculty athletics representative at Johnson C. Smith University; John Mansuy, faculty athletics representative at Wheeling Jesuit University; and Dan Mara, commissioner of the Central Atlantic Collegiate Conference. Let's congratulate and thank all those folks. (Applause.)

I also want to recognize the outgoing Presidents Council representatives for their service to Division II: David Danahar, president of Southwest Minnesota State University; Antoine Garibaldi, president of Gannon University; and Eddie Moore, president of Virginia State University.

Before we close, does anyone have any other closing comments before we adjourn today?

**Kelly Higgins (Fort Lewis College):** I wanted to simply make a statement to remember for this next coming year. Remember what our esteemed colleague from Lock Haven just made a statement on, which was our Division II philosophy, what it's supposed to be about, when we keep in mind what we do in the future. Because I can guarantee you, some of the schools that are out in the west are depending upon the future for a lot of issues, and they are going to need your help.

I speak specifically of football schools that are out west that are desperately in bad situations right now because of the economy. A school has dropped football recently. It's sad to see, but I understand the decisions.

Keep in mind, when we bring some proposals that are going to come forward here in the next few months, and hopefully they are good ones for Division II, that you think about not just yourselves, not just your region, but your students and the sport that you're part of. I urge you to keep that in mind in the near future, and try not to be as regional as we all try to be as a division, but think out of the box.

I am accused of doing that too often by many of you in this room, as well, too. But I know that is the only way to have some of these sports actually survive, survive in Division II. Thank you.

**Mr. Jordan:** Thank you. Any other closing comments?

Seeing none, ladies and gentlemen, the Division II business session of the 2009 NCAA Convention is now closed.

# **DIVISION III BUSINESS SESSION**

## **SATURDAY, JANUARY 17, 2009**

The Division III business session of the National Collegiate Athletic Association, held at the Gaylord National Resort and Convention Center, Washington, D.C., January 17, 2009, was called to order at 8 a.m., with President John Fry of Franklin & Marshall College, presiding.

### **OPENING REMARKS**

**Mr. Fry:** Good morning and welcome to this morning's Division III business session. I am John Fry, president of Franklin & Marshall College and the chair of the Division III Presidents Council. I will chair today's business session for Division III.

Joining me on the dais today are Del Malloy, the commissioner of the New England Collegiate Conference, who chairs the Division III Management Council; Michael Miranda, faculty athletics representative from SUNY Plattsburgh, will serve as our parliamentarian; Dan Dutcher, who is vice president for Division III; Leah Nilsson, director of Division III; Jay Jones, director of academic and membership affairs for Division III; and Jeff Myers, associate director of academic and membership affairs and a Division III governance liaison.

Finally, a court reporter is joining us to help create an accurate record of our meeting. So, please remember to give your name and institution or conference affiliation if you speak at the microphone later today.

I would also like to ask you a favor. If you brought your cell phone with you today, please shut it off or set it up on the silent. Thanks for doing that.

Please remember that you will need both your voting paddle and the electronic voting unit for any votes during today's Business Session. Our procedures dictate that all voting be done by paddle or electronically, rather than by voice or hand.

In addition, the Presidents and Management Councils have adopted a policy that we will use the electronic voting units to vote on all legislative proposals. In order to do that, it will be best to conduct a test vote now to give us plenty of time to address any technical issues before we vote on the proposals later this morning.

[Note: Electronic voting procedures were explained to the delegates.]

For roll-call votes, a school-by-school and conference-by-conference printout of the voting results will be posted on the bulletin boards located outside this meeting room. That will occur as soon as possible after our roll-call votes conclude and likely during our morning break.

Regardless, we will do all we can to ensure an adequate break time prior to opening of the window for reconsideration for those proposals.

Finally, please remember to leave the keypads and inserts at your seat in the ballroom when the business session ends this afternoon. If you happen to take the keypad or insert with you, please return them promptly to the registration area or contact NCAA staff here at the hotel and they will make arrangements to pick it up.

Are there any questions about the electronic voting process? OK, thank you.

To be sure the units are performing correctly, let's now conduct a test vote. Anyone having any problems casting their vote should come forward for assistance. Let's now vote on the following question: The first poet to participate in the official ceremony of a presidential inauguration was (a) Maya Angelou; (b) Robert Frost; (c) Millie Williams. Please cast your vote.

The polls are closed. This is a highly educated group. It is Robert Frost.

### **CONSIDERATION OF CONVENTION NOTICE AND PROGRAM**

Our first formal order of business is to adopt the Convention Notice and Convention Program. The Convention Notice is the green- and white-cover booklet you received in November. The Convention Program is the red and white and blue booklet that you received at registration. Please note that any editorial corrections to the proposals in the Notice are reflected in the Program.

We will use the paddles to adopt the Notice and Program unless we get a vote that seems too close to call.

When we vote to accept the Convention Notice and Program, we will vote on the proposals in the order they appear in those publications unless they are reordered or have been withdrawn.

If you intend to move to reorder a proposal, it will be time to do that in a few seconds, and I will highlight that. Please note that any reordering of proposals designated for roll-call vote also must occur via roll call.

Also, please note that by adopting the Notice and Program, you are adopting all of the appendixes found in the Convention Notice. These are on the blue pages. This includes three legislative appendixes of note.

First will be the interpretations in Appendix B, starting on page 27, which are to be incorporated into the Division III Manual.

Second is the grouping of noncontroversial amendments in Appendix C, which starts on page 31.

The third is Appendix D, which includes the modifications based on intent. They start on page 55.

The amendments in these appendixes all have been approved by the Management Council and the Presidents Council, and published in the Legislative Services database, also called LSDBi. We will not discuss any of them individually unless you ask to do so.

If there is such a request, we will place those amendments off to the side and vote to accept the rest of the package first by majority paddle vote. We will then go back and discuss the individual proposals that were broken out for separate consideration one by one, and vote on whether they should be incorporated.

Incorporation is debatable and requires a majority paddle vote. Any proposals removed from the package for separate discussion that are not subsequently approved are automatically referred back to the Management Council for further consideration.

I know this is a complicated process, so are there any procedural questions before we begin? OK. I will now ask for a series of motions from the floor to begin the process.

First, I will ask for a motion to adopt the printed Notice and Program for the Division III business session so that we may now proceed with our work. Second, I will ask for any motions to reorder, and then we will deal with them.

Third, I will call for motions to remove items from the appendixes for separate consideration if there are any. After we deal with these three motions, we will then vote to accept the Notice and Program as amended.

First, is there a motion to adopt the Convention Notice and Program?

**Tim Gleason (Ohio Athletic Conference):** I move we adopt the Convention Notice and Program.

**Mr. Fry:** Thank you. Do I have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Fry:** Thank you. It has been moved and seconded.

Now, let us consider reordering. Are there any motions to reorder? We have no motions to reorder. Thank you.

Now that we have determined the order of the proposals, are there any motions to remove any of the items in Appendixes B, C and D for separate consideration? We have no motions to reorder.

Finally, we must return to our original motion to adopt the Convention Notice and Program. All in favor of approving the Notice and Program, please raise your paddle. Thank you. All opposed? Are there any abstentions? It passes. The Convention Notice and Program are approved. Thank you.

## AGENDA AND ACKNOWLEDGEMENTS

Permit me now to review today's agenda and timetable. We will first consider our 10 roll-call proposals, Nos. 1 through 10, and any related amendments. Then we will consider the two proposals that are general grouping proposals, Nos. 11 and 12. We believe the voting process will take approximately 90 minutes.

Time permitting, we will take a brief break at approximately 10 a.m. to help break up the morning and allow for the posting of the voting results. After the break, we will elect our new Management Council members. Next, we will open the window of reconsideration for the morning votes. We will handle reconsideration of the roll-call and non-roll-call votes separately, if necessary.

After we finish reconsideration, we will hear an update regarding issues related to membership growth in par-

ticular. This session will include the status of the issues and recommendations contained in the white papers that were distributed to you last fall.

Our final session will be a discussion of the release of the first Division III Annual Report.

Before we proceed, I would like to acknowledge the important work of several groups during the past year. First, I want to thank the members of the Convention Planning Subcommittee. The subcommittee met several times during the past year to help craft our meeting agenda and to be sure that it is responsive to membership feedback and interests. You are enjoying the fruits of their labor right now.

Please keep our Convention format and time in mind when you receive and complete the post-Convention evaluation form. The subcommittee relies on your feedback to help make the convention a positive experience for all of us.

The subcommittee is chaired by Tim Gleason, commissioner of the Ohio Athletic Conference. The other subcommittee members are: Al Bean, director of athletics at the University of Southern Maine; Greg Campbell, president of Carthage College; Christyn Chambers, assistant director of athletics at Swarthmore College; Debby DeAngelis, director of athletics at California State University, East Bay; Danielle Drews, director of athletics at Russell Sage College; Daniel Fulks, faculty athletics representative at Transylvania University; John Gregor, faculty athletics representative at Washington and Jefferson College; Wendell Jack, director of athletics at the California Institute of Technology; Del Malloy, commissioner of the New England Collegiate Conference; Chris Martin, commissioner of the College Conference of Illinois and Wisconsin; Lynn Oberbillig, director of athletics at Smith College; Kathy Owens, president of Gwynedd-Mercy College; Joan Sitterly, director of athletics at the State University College at Cortland; and Ashley Snell, Student-Athlete Advisory Committee member from Rivier College. Would these subcommittee members please stand and accept our thanks for their hard work this year. (Applause) Thank you.

Second, I would like to take this opportunity to thank the members of the Presidents Council and the Management Council for their very hard work during this past year. It has been a privilege to work with members of both councils and the great working relationship between these groups has served Division III well.

In particular, I would like to acknowledge the council members who join me in completing their terms of service at this convention. From the Presidents Council — Dick Flynn, president of Springfield College; James Moseley, president of Franklin College; and Rick Torgerson, president of Luther College.

The outgoing members of the Management Council include Patty Epps, athletics director at Franklin & Marshall College; Tim Gleason, commissioner of the Ohio Athletic Conference; Del Malloy, commissioner of the New England College Conference; Rosalie Resch, associate athletics director and senior woman administrator from the University of Chicago; Kay White-Whitley, athletics director of Sul Ross State University; and Charlie Wilson, associate dean for academic affairs at Olivet College.

These individuals have spent literally hundreds of hours of their personal and professional time meeting their very important responsibilities of representing you in our governance structure. Please join me in thanking them for their leadership, dedication and commitment to Division III. (Applause)

There are two other groups in particular that assisted the councils during the past year that I would like to mention. One is the Presidents and Chancellors Advisory Group. This group helps to assure that a president from every Division III conference has opportunities to assist the Presidents Council and the Management Council with their leadership responsibilities. Likewise, it works with fellow conference presidents to address important athletics issues at that level.

Approximately 110 presidents and chancellors attended our luncheon yesterday, and that represents the good work of the Advisory Group members.

In particular, I would like to thank the departing members of the Advisory Group: Ken Baker from Ohio Northern University, who will now move on to the Presidents Council; Jim Bundschuh of Marymount University (Virginia); Joe Burke of Keuka College; Mim Pride from Blackburn College; and Richard Wylie from Endicott College. Would members of the Advisory Group please stand to be recognized. (Applause)

The other group to be recognized is the membership of the virtual focus groups. We asked the focus group members for feedback on several important issues during the past year, especially related to membership growth

and structure. Their feedback has been very, very valuable to the Management and Presidents Councils. Would the members of the virtual focus groups please stand to receive our thanks. (Applause)

I would also like to acknowledge those who serve in the NCAA governance structure beyond the Presidents and Management Councils, the Advisory Group and the virtual focus groups. We are truly a membership association with over 130 standing committees and many other special committees. It is only through the hard work of committee members that the business of the NCAA can be accomplished.

If you have served on any NCAA committee during the past year, please stand and be recognized. (Applause) Thank you again for your work on behalf of the NCAA and your commitment to the Association and in particular to Division III.

If you are interested in committee service, I encourage you to contact members of the Nominating Committee and staff who will be happy to discuss opportunities to serve in more detail.

The next group I would like to acknowledge are those who have hosted an NCAA championship competition during the past year. Championships do not take place without a great deal of hard work by many individuals at the host institutions. This hard work results in a quality championship experience for our student-athletes. If you are on the staff of a school or conference office that hosted any round of an NCAA championship during the past year, would you please stand and be recognized. (Applause)

Let me just say on a personal note that none of what we do would be possible without an extraordinarily talented and dedicated NCAA staff, the leadership which is represented at this dais.

I would like my colleagues here to stand from the NCAA staff and all other NCAA staff to please stand and receive our thanks and best wishes and good luck in the future. (Applause)

Now, it is time to consider our various legislative proposals. Following tradition, to lead us through those proposals will be the chair of the Division III Management Council, my colleague, Del Malloy. Del. (Applause)

## **CONSIDERATION OF LEGISLATIVE PROPOSALS**

**Mr. Malloy:** Thank you, President Fry, and good morning, everyone. We are now ready to consider our proposed legislation. Today, we will consider a total of 12 legislative proposals and related amendments. These are Proposal Nos. 1 through 12 in your Convention Notice and Program.

Proposal Nos. 1 through 10 make up the Presidents Council grouping. We will begin with those proposals and conduct roll-call electronic votes for those proposals and any motions related to them. We will vote on those proposals in numerical order which we approved earlier in the morning.

Please remember that editorial corrections appear in the Convention Program. Also note that several questions and answers of interest appear in the Q&A document that was attached to the recent Division III Newsletter and included in your convention registration packet.

These questions and answers affect just about every proposal. In addition, the councils recently approved interpretations and proposed parliamentary rulings or took action that affected a few of the proposals. Those interpretations and actions appear in the handout distributed to you yesterday during the forum.

We will attempt to call your attention to all of this information, the editorial corrections, the questions and answers, and Council actions and interpretations when we consider each affected proposal this morning.

As we begin, I would like to remind you of a couple of points of order. First, Proposal No. 5 has been withdrawn by the sponsors. Also note that the sponsors of Proposal No. 7 have withdrawn parts C and I of that proposal.

For the benefit of the court reporter, please state your name and institution when you are recognized by the chair at one of the numbered microphones. Also, please remember that delegates are limited to addressing each proposal twice, not counting answering questions directly posed to them by other delegates.

Finally, I would like to review a couple of parliamentary issues. Both involve a motion to cease debate, commonly referred to as a motion to call the question. Robert's Rules do not permit an individual delegate to cease debate simply by walking to the microphone, by shouting and reciting the phrase "call the question." Rather, a motion to cease debate or a motion to move the previous question must be formally made and seconded.

That is a nondebatable motion that requires a separate vote and a two-thirds majority for adoption. If that motion is adopted, then we move immediately to vote on the underlying proposal. If the motion to cease debate is not adopted, the debate continues on the underlying proposal.

One more point. The chair considers it unfair for an individual to move to cease debate or call the question immediately after he or she has made several comments regarding the merits of the proposal. In other words, if you want to move to cease debate, you should not engage in debate on the merits of the proposal as part of your motion. If you do so, the chair intends to rule that motion out of order. Thank you.

## PRESIDENTS COUNCIL LEGISLATIVE PROPOSAL GROUPING

We are now ready to consider our Presidents Council legislative groupings. We will begin by considering Proposal No. 1. This proposal was discussed in the Q&A document.

### PLAYING AND PRACTICE SEASONS — FOREIGN TOURS — SANCTIONED OUTSIDE-TEAM TOURS

**Jim Harris (Widener University):** As a member of the Division III Presidents Council, I move Proposal No. 1.

**Mr. Malloy:** Do we have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We have a second. Go ahead.

**Mr. Harris:** Thank you. This proposal establishes what we in the Presidents Council believe are reasonable limits on the number of student-athletes from the same member institution who may participate on an outside team's foreign tour without requiring that outside team tour to be certified as an institutional foreign tour.

Current legislation does not count an outside team tour against the once-in-three-years institutional foreign tour limitation unless every member of the outside team participating in it is a student-athlete from the same institution.

Prior to the adoption of the non-controversial proposal at the 2006 NCAA Convention, member institutions were charged with use of their institutional foreign tour opportunity in a sport when the institution was represented by more than a limited number of student-athletes on an outside team that participated in a foreign tour.

Proposal No. 1 reinstates the previous limitations on the number of student-athletes from one institution that may participate on an outside team tour. This change is necessary to address reported concerns of Division III coaches who are coaching outside team tours comprised of a majority of their own student-athletes and then taking a few athletes from other teams to avoid the once-in-three-year limit.

This activity is contrary to the original intent of the legislation, and provides a loophole to the once-in-three-year limits of that institution's foreign tours. This proposal would close that loophole and take us back to the same legislative limits we had previously, and would be in keeping with the original intent.

For these reasons, I urge everyone to support this proposal. Thank you.

**Mr. Malloy:** Thank you, President Harris. Are there any other comments? Seeing no additional comments, we are ready to vote on Proposal No. 1.

[Proposal No. 1 was adopted, 440-15-1.]

### PLAYING AND PRACTICE SEASONS — ATHLETICALLY RELATED ACTIVITIES — SPECIFIC WORKOUT PROGRAMS

Our next proposal is Proposal No. 2. This proposal was also discussed in the Q&A.

**Kathy Owens (Gwynedd-Mercy College):** As a member of the Division III Presidents Council, I move Proposal No. 2.

**Mr. Malloy:** Is there a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We have a second. Please proceed.

**Ms. Owens:** Proposal No. 2 would help to ensure the health and safety of student-athletes by allowing an institutional staff member to design a voluntary individual workout program that is specific to each student-athlete. The Presidents Council feels that this proposal is in the best interest of all student-athletes' well-being.

The current rules only permit coaches to design a voluntary general individual workout program for student-athletes as opposed to a specific workout program with guidelines for specific days.

Proposal No. 2 affords student-athletes the benefit of having an out-of-season workout program that is tailored to their specific needs, while maintaining the requirement that the workout program is voluntary. It is also important to note that this proposal does not change the current prohibition against actually conducting out-of-season workouts.

Any workout designed under this proposal must still be voluntary and still cannot be conducted by institutional staff members. Under this proposal, student-athletes can receive a workout structured specifically to each of them, which would provide for safer parameters with the program that can be tailored to individual needs.

For this reason, I urge your support of this proposal.

**Mr. Malloy:** Thank you, President Owens. Are there any additional comments on Proposal No. 2? Seeing none, we are ready to vote.

[Proposal No. 2 was adopted, 453-20-1.]

### **PLAYING AND PRACTICE SEASONS — PRESEASON PRACTICE — TRADITIONAL SEGMENT — CROSS COUNTRY, FIELD HOCKEY, GOLF, RUGBY, SOCCER, TENNIS AND WOMEN'S VOLLEYBALL**

We will now move to Proposal No. 3.

**Richard Flynn (Springfield College):** As a member of the Division III Presidents Council, I speak in opposition to Proposal No. 3. This proposal has potential economic ramifications.

**Mr. Malloy:** President Flynn, we have to move it first.

**Mr. Flynn:** I am sorry.

**Mr. Malloy:** That is OK.

**Terry Small (New Jersey Athletic Conference):** Chairman, on behalf of the membership of the New Jersey Athletic Conference, I move Proposal No. 3.

**Mr. Malloy:** Thank you. Do we have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We have a second. Please go ahead.

**Mr. Small:** There are three distinctive reasons why our membership believes that this proposal would be beneficial for our division. The first is sport equity. Fall sports student-athletes are afforded considerably fewer pre-season opportunities than their winter and spring counterparts.

Looking at 2008 as an example, many basketball student-athletes were afforded approximately 31 days of preseason practice while most fall student-athletes participated in preseason which was limited to as few as 14 calendar days.

The second reason is the student-athlete welfare in sports such as soccer and field hockey. Some student-athletes currently are engaging in as few as 10 preseason practice opportunities before beginning competition and kickoff tournaments that feature contests played on back-to-back days in extreme heat conditions.

The NCAA Committee on Competitive Safeguards and Medical Aspects of Sports has confirmed that fall sports traditionally feature the most heat-related injuries, and yet our fall sports student-athletes are afforded the fewest number of preseason training opportunities.

The third reason for the proposal is simplicity. Our membership believes that the establishment of October 15 as the preseason start date for basketball is clear, consistent and concise. If Proposal No. 4 is passed in a few minutes, it will provide that same type of clarity for ice hockey as well.

From a personal standpoint, as a person who is responsible for checking and confirming the start dates for approximately 45 conference fall sports teams, there are many evenings when my wife shakes me out of my sleep and tells me I am babbling, "One, one, one, one, one, two, two, skip Sundays before the first start of class."

I usually wake up and tell her that I am having a dream again, the one where I miscount and Chris Strobel from the NCAA secondary infractions staff is knocking on my door. A much more pleasantry would be to close my eyes and picture a simple calendar with August 15 circled on it.

It is just a dream, but if there is one thing that I have learned at this Convention over the years from my colleague Jim Nelson from Suffolk University, it's his Don Quixote reference to dream the impossible dream.

In closing, let me state this is permissible legislation that would not require any institution to change or alter any of its current institutional fall sport preseason procedures.

On behalf of the New Jersey Athletic Conference membership, we thank you for your consideration.

**Mr. Flynn:** Thank you, Mr. Chairman. I will try to do it in proper sequence this time. As a member of the Division III Presidents Council, I speak in opposition to Proposal No. 3.

This proposal has potential economic ramifications which warrant its defeat. Increasing expenses by bringing our student-athletes to campus earlier, even if just by a few days, is not justified in these times. By coming in earlier, it could take away employment earnings from our student-athletes and coaches by shortening their summers.

It is the opinion of the Presidents Council that the administrative convenience of this proposal does not justify the economic consequences for the member schools.

For these reasons, I encourage you to vote against Proposal No. 3. Thank you.

**Erin Wojtkun (Christopher Newport University):** As a member of the Division III Student-Athlete Advisory Committee, I speak against Proposal No. 3.

While the Student-Athlete Advisory Committee recognizes Proposal No. 3 is permissive and institutional discussion prevails, the committee notes passage of this proposal could create longer preseasons and shorter summer breaks for student-athletes.

A set preseason start date of August 15 could inhibit student-athletes' opportunities to engage in activities such as participation in study-abroad programs, internships and summer jobs.

These opportunities are significant to the student-athletes' experience and part of our academic and personal growth. Passage of this proposal could require student-athletes to attend additional preseason practices, additional practices that compound strenuous preseason condition and effects.

Finally, a permanent start date creates competitive inequity. Institutions that begin classes later have the advantage of more practice opportunities. Teams at one institution may gain a competitive edge and enhance their team chemistry while other institutions are not afforded this same benefit.

For these reasons, I urge you to vote against Proposal No. 3. Thank you.

**Kristen Hall (Bard College):** As a member of the Division III Management Council, I speak against Proposal No. 3.

While many of us agree that it is a task, sometimes a sleep deprivation task each year to utilize our calculation formula to determine the first date that fall teams may conduct practice, it does provide for equity.

This proposal would take away the task at the expense of fairness and balance for our member institutions. By tying the start of the fall practice to the academic calendar, all colleges and universities have an equitable amount of time to prepare their student-athletes for the fall season. Standardizing the first practice date when academic calendars are not standardized throughout our division proves to be a benefit for some and a disadvantage for others.

Division III previously had August 15 as our fall starting date over 15 years ago. We changed that because the standardized date did not properly balance costs with the need to adequately prepare our student-athletes for fall competition.

The current rule reflects a healthy balance, which considers expense, facilities, staffing, student-athlete welfare and institutional choice.

For these reasons, I encourage you to vote against Proposal No. 3. Thank you.

**Zak Ivkovic (City University of New York Athletic Conference):** I would certainly urge the membership to vote for this proposal for a number of reasons.

When I started in Division III, I always felt like this was the right place to be because we do everything that we do for the student-athlete first. I think that a lot of the opposition that I have heard this morning and throughout the months leading up to the Convention has been focused on funds.

We know that this is tough times, but at the end of the day we don't serve the student-athletes because we can't find money to do the right thing for them. If you get two or three coming in early, it is far outweighed by the fact that what is important for the student-athlete is for them to be physically fit for competition before the season begins.

At the City University of New York, we are commuter campuses, which lack outdoor facilities. When you talk about sports like soccer and you talk about having to start on August 18, and your first opportunity to play is September 1, you are talking about 13, 14 calendar days that you are supposed to fit in practices and have your teams ready to play.

When you talk about us not being able to play and practice twice a day, having been fortunate to get facilities to practice, even though the days they are allowed, and can find a field to practice on, we are lucky if we have 10 practices before the season starts.

How can anyone in this room tell me that that is fair to our student-athletes? How is anybody going to tell me all of you that are coaches, and still are, that that is an adequate amount of time to prepare your student-athletes for competition?

We afford those opportunities for everyone else. We afford those opportunities for the winter student-athletes. We have more than a month for them to prepare.

We afford those opportunities for the spring student-athletes. And guess what, you afford those same opportunities for your football student-athletes in the fall season. How can you tell me it is OK for you to do that for your 100 football players and it is not OK for everyone else that plays fall sports? Think about that, please.

It is OK for the 100 football players. We do not have football, so we do not have that vantage point. But we do have all the other sports, and I have to explain to our student-athletes that for them it is not OK. They have to practice eight to 10 times if they are fortunate.

But football can come in on August 10 or 11, and have 25 practice opportunities, have an acclimatization period, which is fine for them. But you volleyball players, tennis players, soccer players, cross country runners — sorry, you are not good enough, you are not treated equitably. You don't belong on the same playing field. I am sorry. That is very unfair.

If we have to find money for three extra days for them to come in early to practice, we will find a way. We do it for everything else. It is not fair to treat them any differently. As far as the Student-Athlete Advisory Committee mentioning the abuse, maybe it is ironic you guys placed them next to me, but we like them still, even if they are opposed to our legislation.

The abuse factor, you know, as administrators we deal with that every single day. We deal with abuse from various parts of our campus, those that abuse NCAA rules, those that do the wrong thing. Isn't it our job in this room to make sure abuses don't happen?

Isn't it our job that we follow NCAA legislation? Isn't it our job to make sure that our coaches do the right thing for our student-athletes? Why are we always thinking of the negative side of things, that there will be a lot of abuse?

Why can't we just do the right thing and make sure that our coaches do the right thing? It is our job to make sure that our coaches do the right thing. Let's not allow any abuse to happen and then we will not have to worry about it.

If they are, in fact, to come in three days early for us, it means that our kids are going to be more prepared. August 15 is not the ideal solution, but it is far better off than what we have now. I am not worried about abuse, I am worried about giving our student-athletes a few extra days that they don't have currently to prepare to be fit and to be ready to play the season.

I apologize for being long-winded, but I appreciate your support. Thank you.

**Daniel Gilmore (Rowan University):** I strongly urge you to vote for this legislation for three reasons.

One is what we were just discussing. All Division III teams, except these sports, receive between 20 to 30 days to prepare their teams. Last year, based on the starting date, some people received no more than 10 to 12 days. This is totally an inadequate amount of time.

Two, this has become a health and safety issue when you consider that the majority of our teams open their seasons September 1 or earlier, depending on the weekend, in hot 90-degree weather with back-to-back games in order to play their 20-game season, with less than 10 to 12, 13 days to practice in an aerobic activity that requires players in some sports to run between five and seven miles. This seems totally inadequate based on the other sports' preparation time.

Three, as currently composed and governed NCAA sports, of these current sports, never or even come close to receiving the 18 weeks that all other sports receive for practice opportunities and game-playing opportunities during the current academic year. Last year, men's soccer at Rowan University played a total, with their spring season, of 16 weeks. That is two weeks short of what any other athlete, except these fall sports, participated in.

I strongly urge you to vote for this in addressing the student-athlete issue of reporting on August 15 that currently clears up any message to tell student-athletes that this is the starting date for the next four years and they don't have to worry about counting back two days and one day, and how many Sundays are involved, in telling their bosses or whatever they are going to do, they know that they are going to report. And for the next 10 years, this only affects either one to four days added to the preseason. Thank you very much.

**Christine Lewis (Vassar College):** As a member of the Division III Student-Athlete Advisory Committee, I reiterate our committee's opposition to this proposal. Our rationale that this proposal is in the best interest of student-athletes is flawed. Heat-related illnesses are likely to increase as we attend more preseason practices earlier in August.

Realistically, our coaches are going to take advantage of every practice opportunity and are highly likely to start August 15 and conduct double or even triple sessions. We come to preseason prepared and value the flexibility of our individual preparation time.

Again, we speak in opposition to this proposal. Thank you very much.

**Mr. Malloy:** Thank you. Seeing no one at the other mikes, we are ready to vote on Proposal No. 3.

[Proposal No. 3 was defeated, 154-297-6.]

## **PLAYING AND PRACTICE SEASONS — ICE HOCKEY — PRESEASON PRACTICE — OCTOBER 15**

Our next proposal is Proposal No. 4. It also appears in the Q&A document. I would like to call to your attention that an editorial revision to Proposal No. 4 appears on Page No. 5 of the Official Notice.

**Richard Torgerson (Luther College):** As a member of the Division III Presidents Council, I move Proposal No. 4.

**Mr. Malloy:** Thank you. Do we have a second?

**Paul Trible (Christopher Newport University):** I second it.

**Mr. Malloy:** Thank you. We do have a second. Please continue.

**Mr. Torgerson:** This proposal establishes a common preseason practice date in ice hockey of October 15. The start date and the current rule varies depending on each institution's calendar. Proposal No. 4 specifies that October 15 would be the first day of practice in ice hockey for all institutions.

A common practice start date brings consistency and promotes competitive equity among institutions. Currently, institutions start ice hockey practice at varying times depending on their institutional calendar.

The current rule gives institutions that start classes early an advantage in ice hockey since practice can begin on their first day of classes. Proposal No. 4 eliminates this advantage and levels the playing field by ensuring that ice hockey practice begins on the same date of October 15 for all institutions.

Proposal No. 4 also promotes student-athlete well-being in academics. Moving the ice hockey practice start date back to October 15 allows student-athletes to have more time to adjust to their academic responsibilities before taking on the added responsibility of participation in intercollegiate athletics.

For these reasons, I urge your support of this proposal.

**Mr. Malloy:** Thank you, President Torgerson. Are there any other additional comments? Seeing none, we are ready to vote on Proposal No. 4.

[Proposal No. 4 was adopted, 225-54-176.]

Proposal No. 5 has been withdrawn by the sponsors.

**ELIGIBILITY — CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY —  
MINIMUM AMOUNT OF PARTICIPATION — COMPETITION DURING THE  
NONTRADITIONAL SEGMENT — BASEBALL, FIELD HOCKEY, LACROSSE,  
SOCCER, SOFTBALL AND WOMEN'S VOLLEYBALL**

We will now vote on Proposal No. 6. Please note that this proposal was addressed in the Q&A.

**Angela Baumann (Massachusetts State College Athletic Conference):** I would like to move Proposal No.

6.

**Mr. Malloy:** Do we have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We do have a second.

**Ms. Baumann:** Proposal No. 6 seeks to make the nontraditional season consistent with the traditional season legislation contained in the criteria for determining a season of eligibility. Voting for this proposal would allow student-athletes to participate in the one allowed nontraditional date of competition without triggering a year of eligibility. This contest date would be treated just like a preseason scrimmage date in the traditional season, whereby neither of which counts towards wins or losses, championships selection or even statistics.

Proposal No. 6 would only affect the team sports that allow for that one day of competition in the nontraditional segment.

On behalf of the MSCAC and the Allegheny Mountain Collegiate Conference, I ask you to please join us in supporting this legislation.

**Livingston Alexander (University of Pittsburgh, Bradford):** As a member of the Division III Presidents Council, I speak in support of Proposal No. 6. This proposal allows the one date of competition in the nontraditional segment to be treated in the same manner that we treat preseason scrimmages in the traditional segment. Student-athletes can participate in that date of competition without being charged with the full season of participation.

Because student-athletes are already allowed to practice for the 15 days of activity time within the nontraditional segment, allowing participation under this date of competition appears to be reasonable. This proposal seems to align this nontraditional date of competition with the preseason scrimmages of the traditional season.

For these reasons, I support and urge all members to vote for this proposal. Thank you.

**Mr. Malloy:** Thank you, President Alexander. Do we have additional comments? Seeing none, we are ready to vote on this proposal.

[Proposal No. 6 was adopted, 431-18-6.]

**DIVISION MEMBERSHIP — DEFINITIONS AND APPLICATIONS — EMERGING SPORTS FOR WOMEN — REMOVAL OF ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL FROM LIST OF EMERGING SPORTS FOR WOMEN AND ADDITION OF EQUESTRIAN TO LIST OF EMERGING SPORTS FOR WOMEN**

Our next proposal is Proposal No. 7. This proposal also appears in the Q&A. Also, please note that the sponsors have withdrawn Parts C and I of this proposal.

**David Joyce (Ripon College):** As a member of the Division III Presidents Council, I move Parts A, B, D, E, F, G, H and J of Proposal No. 7.

**Mr. Malloy:** Thank you. Do we have a second?

**James Harris (Widener University):** I second it.

**Mr. Malloy:** We have a second. Please proceed.

**Mr. Joyce:** When the NCAA adopted the recommendation of the Gender Equity Task Force in 1994, it created a list of emerging sports for women. The purpose of this effort was to identify and develop participation opportunities and potential NCAA championships sports for women. Nine sports were in that first list.

In the past 14 years, some sports like ice hockey and bowling have become championship sports, while others have been added to the list, which currently includes a total of six sports.

Adoption of these parts of this proposal would remove archery, badminton, synchronized swimming and team handball from the list of emerging sports for women.

The NCAA regulations require that emerging sports gain championship status within 10 years or show steady progress towards that goal. These four sports have seen minimal, if any, sponsorship growth over the last 14 years. Therefore, in July 2007, the institutions, conferences and national governing bodies supporting these sports were notified by the Committee on Women's Athletics that they needed to provide a minimum of 10 commitment letters from NCAA schools by July 2008, and that failure to meet this request would result in a recommendation for their removal from the list. None of these four sports were able to meet this requirement.

It is important to note that even if this proposal is adopted and these four sports are no longer considered emerging sports for women, an institution may still elect to conduct the sport at the varsity level, and it may include the sport in its gender equity efforts, and it may seek an NCAA waiver to continue to count the sport towards its membership requirements.

For these reasons, I urge you to vote in support of this proposal.

**Mr. Malloy:** Thank you, President Joyce. We are now ready to vote on Proposal No. 7, Parts A, B, D, E, F, G, H and J.

[Proposal No. 7 was adopted, 403-21-35.]

## **EXECUTIVE REGULATIONS — SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION — SELECTION CRITERIA — AVAILABILITY OF DATA THROUGHOUT SEASON**

Our next proposal to consider is Proposal No. 8. Please note that this proposal appears in the Q&A.

**Edward Hegmann (University of Mary Washington):** After a lengthy discussion over the last three days, much of which centered around straw votes taken concerning Proposal No. 8, by groups here at the convention, and the frank, candid and valid input received by members of these groups it has become obvious to us that there remains a great deal of misunderstanding about our proposal.

This is not the place, nor do we have the time, to address all the concerns raised. Therefore, I rise to report that we are reluctantly withdrawing Proposal No. 8. We continue to believe in the issues we raised concerning the importance of accuracy and transparencies surrounding the data used by NCAA sport committees engaged in the very difficult task of ranking and selecting institutions and individuals for championship participation, and the need for increased education of coaches, student-athletes, athletic administrators and presidents as to how this process works.

We are not questioning, and I repeat, not questioning the integrity of these hard-working and dedicated committees, nor are we suggesting that the publication of this data should encourage increased questioning or final decisions, quite the contrary. As a long-time sport committee member and former national chair of a sport that did not have the advantage of computer-aided statistics, when final decisions were fielded, the inevitable questions came from coaches who were emotionally distraught and outright angry about our decisions.

While trying to at least help them better understand our ultimate stances, if I could have entered an access code, pulled up the comprehensive data-driven and computer-aided statistical reports on my computer that played a major role in our decisions, and had my questioner do the same on their computer, I am confident that my explanation of the results, while maybe not agreed upon, would at least have been palatable and accepted.

This proposal was created after we received a letter from the Championships Committee indicating they had

no interest in addressing our issues that we raised. Therefore, in closing, we again ask the Championships Committee to consider the relevancy of our concerns.

We also ask you, the delegates, to engage in an educational and thorough dialogue with your coaches about the process in each of their sports. We sincerely hope that you will give additional consideration to the importance of accuracy and transparency of the data reported and utilized.

We deeply share the concerns raised about the potential cost of improving accuracy and transparency. However, in light of the inherent value of this effort to all student-athletes, coaches and the institutions they represent, we ask you and the NCAA office and NCAA committees to join us in brainstorming alternative solutions to this most important goal.

Thank you very much for your time and consideration.

**Mr. Malloy:** Thank you. We are moving right along.

## **PERSONNEL — CONDUCT OF ATHLETICS PERSONNEL — SPORTS-SAFETY TRAINING**

Our next proposal is Proposal No. 9. Please note that this proposal appears in the Q&A.

**Paul Trible (Christopher Newport University):** As a member of the Presidents Council, I move Proposal No. 9.

**Mr. Malloy:** Do we have a second?

**David Joyce (Ripon College):** I second it.

**Mr. Malloy:** We do have a second. Please proceed.

**Mr. Trible:** I would first like to thank the New England Women's and Men's Athletic Conference and the New England Collegiate Conference, which submitted this proposal. The Presidents Council supports Proposal No. 9 and urges its adoption.

The survey of the NCAA death claims since 1992 report that 60 percent of all nonvehicle-related deaths have been due to heart-related conditions. Eighty-three percent of all deaths occurred during practice for conditioning. This proposal would help address these grim statistics. The safety and well-being of student-athletes is, of course, of utmost concern to all of us.

Over the past several years, we have struggled to find on this matter an acceptable course of action. This is a modest, but important, initiative. It moves us in the right direction, and it does respond to concerns raised in past years.

This proposal requires head coaches, whether full-time, part-time or volunteers, to be certified in CPR and AED use. It is important to note that this proposal does not require certified individuals to be present during athletically related activities, nor does it specify the certifying organizations. Further, this proposal does not require institutions to purchase an AED. Simply, the head coaches must be certified in AED use.

To help defray the impact on institutional budgets, Division III grant and initiative funding may be used to secure the necessary certification courses and may be used to purchase an AED.

For these reasons, I would urge you to vote in support of this proposal.

**Donna Ledwin (Allegheny Mountain Collegiate Conference):** On behalf of the Minority Opportunities and Interests Committee, I ask you to vote in favor of Proposal No. 9.

Research has shown that young African-American males are disproportionately affected by sudden cardiac arrests. A trained team approach to treat such trauma quickly has proven to be critical in this life-or-death situation. Not all such deaths are preventable, but we certainly owe our student-athletes a commitment to act by taking this relatively simple, but potentially life-saving, step on their behalf. We urge your support.

**Alex Kulp (Moravian College):** As a member of the Division III Student-Athlete Advisory Committee, I speak in support of Proposal No. 9.

Student-athletes feel strongly that some action must be taken to ensure student-athlete safety. This year's proposal is mindful of the members of the membership previous viewpoints regarding liability and fiscal responsibility.

After listening to the voice of both the membership and student-athletes, we feel the proposal provides at the

very least a minimum benchmark to ensure the safety and well-being of student-athletes.

The Student-Athlete Advisory Committee requests your support of this proposal, and while noting there is still work to be done above this minimum benchmark, we encourage conferences and institutions to enhance their policies to protect the lives of the student-athletes.

Again, we strongly encourage the support of Proposal No. 9. Thank you.

**Peter Olsen (Mount Holyoke College):** We request your support of Legislative Proposal No. 9, requiring each head coach to maintain current certification in first aid, CPR and the use of an AED.

While the injury rates are higher for competitions where certified athletic trainers and other emergency medical personnel are more often on site, the total number of injuries in the instance of exposure to potentially injurious situations is higher during practice sessions, which are more likely to be covered remotely by athletic training or other emergency response staff.

In these situations, as a representative of the institution, the head coach is much more likely to be nearby and, therefore, more able to provide critical care in the first seconds and minutes after an injury or medical emergency until help arrives.

It is important again to note that this proposed legislation does not mandate that an individual certified in first aid, CPR and the use of an AED be physically present at each practice session, nor does it specify the certifying agency. Additionally, this proposed legislation does not mandate the purchase of any first-aid equipment, including an AED.

As proposed, the adoption of this legislation can serve only to enhance student-athlete safety and well-being across the division, while limiting each institution's liability for reasonable and prudent immediate first aid and emergency cardiac care.

Again, we respectfully request your support of this legislation.

**Mr. Malloy:** Thank you. We are now ready to vote on Proposal No. 9.

[Proposal No. 9 was adopted, 420-33-6.]

## RECRUITING — TRYOUT EXCEPTIONS — FACILITY USAGE BY OUTSIDE ORGANIZATION

Our next proposal is Proposal No. 10. This proposal appears in the Q&A.

**Greg Campbell (Carthage College):** I am speaking in support and make the motion on behalf of the Presidents Council. I don't know whether somebody else wants to move it.

**Cathie Schweitzer (Springfield College):** On behalf of the member institutions in the New England Women's and Men's Athletic Conference, the Northern Athletics Conference, the Commonwealth Coast Conference, and the Massachusetts State College Athletic Conference, I move Proposal No. 10.

**Mr. Malloy:** Do we have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We have a second.

**Ms. Schweitzer:** Thank you. This proposal will allow an institution's athletics department staff members or representatives of its athletics interests to be involved in the conduct and administration of the use of its facilities for physical activities by a group that includes prospective student-athletes under specified conditions.

Our intent is to ensure that activities that are currently occurring on Division III campuses for reasonable purposes, including critical revenue generation and community partnerships, are permissible through equitable means and to no detriment of the Division III philosophy or recruiting rules.

This proposal prevents promotion in forms of solicitation of the event by institutional athletics department staff members or representatives, but allows involvement through administration. Support of this proposal will make it easier for institutions to conduct events that are largely being done for fund-raising. The proposed effective date would be immediate.

Please vote in support of Proposal No. 10. Thank you.

**Mr. Campbell:** I am speaking on behalf of the Presidents Council. The Presidents Council recognizes that current legislation on tryout exceptions is difficult to apply. Fund-raising activities always happen on our cam-

puses. This proposal helps make those events easier for our schools to host.

The Presidents Council concluded that the parameters and restrictions on this particular exception would prevent recruit abuses. For these reasons, the Presidents Council supports the proposal and urges you to do the same.

**Gregg Kaye (Commonwealth Coast Conference):** On behalf of the 14 member institutions of the Commonwealth Coast Conference, I urge your support of Proposal No. 10.

Numerous institutions allow outside groups from the local community and surrounding areas to utilize campus facilities for events and activities that often times include prospective student-athletes. Permitting outside groups access to campus facilities allows institutions to build relationships within the local community and surrounding areas. In many communities, the institution's facilities are the only suitable venues for quality athletic competitions.

Because of limited resources, institutions may find it impractical to hire an outside consultant to operate a facility for these events when athletics department personnel may be able to serve the same purpose. In fact, the inability to conduct incidental activities such as concession sales can hamper fund-raising efforts that would positively impact the experience of current student-athletes.

For these reasons, I ask your support of Proposal No. 10.

**Mr. Malloy:** Thank you. We are ready to vote on Proposal No. 10.

[Proposal No. 10 was adopted, 452-4-2.]

That concludes our initial consideration of the proposals in the presidents grouping. We now will proceed with the two proposals in the general grouping.

## GENERAL GROUPING

As a reminder, we will use the voting units to decide these proposals but will not produce roll-call results.

### RECRUITING –TRYOUT EXCEPTIONS — USE OF FACILITIES FOR ACTIVITIES RELATED TO A NONSPONSORED SPORT

Our next proposal is Proposal No. 11. This proposal was discussed in the Q&A.

**Richard Bowen (University of Wisconsin, River Falls):** I move for adoption of Proposal No. 11.

**Mr. Malloy:** Do we have a second?

**Susan Hoffman (College at Brockport, State University of New York):** I second it.

**Mr. Malloy:** We do have a second. Please proceed.

**Mr. Bowen:** NCAA Bylaw 13.11.1 prohibits an institution from conducting on its campus any physical activity involving prospective student-athletes that may reveal, demonstrate or display their athletics ability. In essence, this legislation is intended to preclude institutions from gaining a competitive advantage by conducting and observing activities that could be construed as a tryout.

Proposal No. 11 provides for an exception to this rule for physical activities that are related to a sport that is not sponsored by the institution on the varsity intercollegiate level. Such an exception does not diminish either the intent or impact of the current tryout restrictions, since the conduct of hosting athletic events related to a non-sponsored sport would not constitute a tryout.

Furthermore, the exception would provide greater opportunities for institutions to host athletic events involving prospective student-athletes for fund-raising purposes. We urge your support in the adoption of Proposal No. 11. Thank you.

**Walter Bortz (Hampden-Sydney College):** I speak as a member of the Division III Presidents Council in support of Proposal No. 11.

Proposal No. 11 creates an additional exemption to the tryout rule by allowing outside groups, including prospective student-athletes, to use an institution's facilities for physical activities if the activities are related to a sport the institution does not sponsor at the varsity level.

This requirement preserves the intent of the tryout legislation and does not provide any recruiting gain for

the host school. Most of these types of events are fund-raisers.

This proposal simply provides our member institutions with the means by which the athletic department staff can be involved in on-campus fund-raising events. This proposal has the backing of the Presidents Council, the Management Council, and the Interpretations and Legislation Committee, because we believe that it is a logical and fair exception to the tryout rule. For these reasons, I urge you to vote in favor of this proposal. Thank you.

**Mr. Malloy:** Thank you. Are we ready to vote on Proposal No. 11?

[Proposal No. 11 was adopted, 449-6-1.]

### **PLAYING AND PRACTICE SEASONS — END OF REGULAR SEASON — ALL SPORTS WITH A FALL NONTRADITIONAL SEGMENT**

Our next proposal is No. 12. This proposal was discussed in the Q&A.

**Paul Trible (Christopher Newport University):** As a member of the Presidents Council, I move Proposal No. 12.

**Livingston Alexander (University of Pittsburgh, Bradford):** I second it.

**Mr. Malloy:** We do have a second. Go ahead, please.

**Mr. Trible:** I would then move to refer this proposal back to the Management Council for further study.

**Mr. Malloy:** We have the motion to refer Proposal No. 12 to the Management Council's playing and practice season subcommittee and the Student-Athlete Advisory Committee for further consideration. Do we have a second on the motion to refer?

**Richard Torgerson (Luther College):** I second it.

**Mr. Malloy:** We do have a second.

**Mr. Trible:** The Student-Athlete Advisory Committee and the Faculty Athletics Representatives Association have expressed their concerns about moving the end of the fall nontraditional season to a time directly before the start of examinations, instead of a time some weeks ahead of examinations.

Their concern would apply equally to the spring nontraditional segment. For these reasons, the Presidents Council believes that Proposal No. 12 should be discussed further among various groups within the governance structure, and that we should not bring it forward today to a vote.

**Mr. Malloy:** Thank you. We are ready to vote on the proposal to refer Proposal No. 12 back to the Management Council.

[Proposal No. 12 was referred to the Management Council, 438-18-1.]

That concludes this morning's Presidents Council general grouping. Thank you for your attention and cooperation.

As a reminder, after the break and the election of the Management Council members, we will open the window to reconsider any of the proposals voted on this morning. We will post roll-call results outside the meeting room as soon as possible. The bulletin boards are in the back of this meeting room, so you can see the results in the back.

It is now time for us to take a break, and if we can be back by 9:45, we will continue the morning session. Thank you.

(Recess.)

### **COUNCIL NOMINATIONS**

**Mr. Fry:** Welcome back, everyone. We are ready to start. Our first item of business involves the election of our new Management Council members. Please recall that under our governance structure, the Nominating Committee conditionally solicits and selects Management Council nominations.

The Management Council and the Presidents Council review those nominations, but the positions are ultimately filled by a vote of our membership during this annual business session. I believe we have four different ones.

You should have received the slate of nominees with your registration materials. I will now ask the chair of the Nominating Committee, Sharon Beverly, director of athletics at Vassar College, to present the official slate of nominees.

**Sharon Beverly (Vassar College):** Thank you, President Fry. The Nominating Committee would like to thank the Division III membership for their interest in serving in the NCAA governance, and we would ask that you continue to fill openings as they occur on our committees.

One of the positions was filled in November 2008, by Mary Jo Gunning, director of athletics, Marywood University.

On behalf of the Nominating Committee, I move the following slate of nominees for service on the Division III Management Council: Kitty Baldridge, faculty athletics representative, Gallaudet University; Fredina Ingold, director of athletics, Penn State University, Altoona; William Klika, director of athletics, Fairleigh Dickinson University, Florham; Chris Martin, commissioner of College Conference of Illinois and Wisconsin; Jeff Martinez, director of athletics, University of Redlands; and Charlyn Robert, director of athletics, Nichols College.

Again, the committee would like to thank the membership for their participation in the governance structure, and please contact members of the Nominating Committee for a chance to serve as an NCAA committee member if you would like information about service opportunities. This has been a pleasure to serve on this committee.

**Mr. Fry:** Thank you for serving and particularly for the committee involved. Sharon has put these nominees forward. Is there a second?

**Paul Trible (Christopher Newport University):** I second it.

**Mr. Fry:** I hear a second. Thank you. Are there any other nominees from the floor?

We will use our paddles for this process. All those in favor of the slate presented by the Nominating Committee, please raise your paddles. Are there any opposed, any abstentions?

I will now ask our new Council members to stand and be recognized. (Applause) Thank you for the support of this great group.

I want to remind the delegates of recent appointments to the Presidents Council. As you may remember, the members are appointed by a vote of the Division III presidents and chancellors. Our new members are: Kendall Baker, president of Ohio Northern University; Jim Bultman, president of Hope College; Jim Schmotter, president of Western Connecticut State University; and Ron Thomas, president of the University of Puget Sound. Would those new members of the Presidents Council that are here also stand and be recognized. (Applause)

It is now time for us to deal with the legislative agenda. I am going to ask Del Malloy to continue this record to facilitate this.

## WINDOW OF RECONSIDERATION

**Mr. Malloy:** Thank you again, President Fry. Our remaining legislative task is the window of reconsideration related to our roll-call and non-roll-call votes. The window of reconsideration is now open for Proposal Nos. 1 through 12 and related amendments.

As a reminder, a motion to reconsider can only be made by someone who voted on the prevailing side during the last vote. Any voting delegate can second that motion. Reconsideration then occurs by majority vote.

If the motion to reconsider is adopted, the morning vote no longer applies, and the proposal then is back before us to further discuss with another vote. If we have a motion to reconsider and it is seconded, we will deal with that motion and the underlying proposal before we consider any motion to reconsider another proposal. We can use our paddles for this process.

Finally, please remember that the vote on the motion to reconsider any of our roll-call Proposal Nos. 1 through 10, and any subsequent votes on them, will require a roll-call vote since Proposal Nos. 1 through 10 and related amendments were also roll-call votes.

Reconsideration on Proposal Nos. 11 and 12 does not require a roll-call vote. A motion to reconsider any of the proposals that we handled this morning, Nos. 1 through 12 and the related amendments, must be by someone who voted on the prevailing side.

**James Nelson (Suffolk University):** Del, I thought your long pause was to find what you should do about me coming to the microphone.

First, I want to put in a disclaimer that I had nothing to do with hoarding all of the paddles this morning. I am thinking of reconsideration, but prior to that, I just wanted to point out that this might be the first time that many of the presidents have looked up to see who I am, not necessarily because of my name, but because of my institution, Suffolk University.

As some of you may be aware, President David J. Sargent was chronicled in the Massachusetts Magazine of Higher Education in the New York Times was the highest-paid president in the country last year at \$2.8 million. Yes, sir, he was applauding also.

I think some of you are looking to see whether or not that funding has trickled down to this athletics director, and whether I am wearing one of those \$2,000 Armani suits. For those of you who have been to Boston, you know we have a store called Filene's Basement, and this is a \$2,000 Armani suit that cost me \$200. Our president's salary will next year return to its previous total and he will be shopping with me at Filene's Basement.

I am hoping you, President Fry, and all the wonderful work you have done for Franklin & Marshall and also for the NCAA, next year will be the highest-paid president in the country.

With that, I have decided not to reconsider.

**Mr. Malloy:** Thank you. Seeing no one at the microphones, the window of reconsideration for Proposal Nos. 1 through 12 and the related amendments is now closed. That concludes our voting for today. Again, thank you for your attention and cooperation. (Applause)

## WORKING GROUP ON MEMBERSHIP ISSUES DISCUSSION

**Mr. Fry:** Del, thank you for leading us expertly through the legislative agenda. Jim, I was wondering when I was going to hear from you, but it is not a Convention for me unless you come up and make some remarks. I now feel all right.

It is now time for updates in the status of our membership discussions. As you know, the division has had an extensive discussion regarding its identity. To a significant extent, these discussions have been filled by membership growth.

Division III has added 120 member schools since 1999, and the number of voting conferences have swelled.

Division III is the largest division with approximately 450 active and provisional member schools. The membership will certainly reach 480 by the year 2020. This growth has significantly enhanced the diversity of the division.

Division membership has increasingly grown with additional admissions, enrollment, sports sponsorship, financial capacity and public/private affiliation. This diversity is to strengthen and, at times, is a challenge.

During the last two years, the Association's Executive Committee and the Division III governance structure and sports structure changed as a way to address these issues.

In the spring 2008 survey, the Division III membership clearly rejected the proposals for structural change. Approximately 82 percent responded to indicate their preference to retain Division III, and so be it.

Based on your survey results, the governance structure is committed to moving forward and by emphasizing and enhancing Division III's many strengths, and especially its philosophy.

During the summer, a series of Town Hall forums were held to gain greater membership feedback related to membership growth, and approximately 450 membership representatives attended those sessions.

Based on membership feedback to the survey, the forums and related discussions, the Presidents Council and the Presidents Advisory Group drafted a series of white papers that identified nine issues for future consideration. Those issues are:

- Presidential leadership;
- The philosophy and identity of Division III;
- Division III financial aid standards;
- Division II as a possible membership designation;
- Sports sponsorship and membership requirements;
- Current playing-season standards;
- Academic considerations;
- Division III championships; and
- Budget priorities and dues structure.

During its October meeting, the Presidents Council identified three issues as top priorities: presidential leadership; the philosophy and identity of Division III; and financial aid. These were summarized in the white paper Nos. 1, 2 and 3.

The white papers were drafted by and for the presidents. Although they have been submitted to the entire membership, they are also available on the Web site. The white papers were the primary focus during the Presidents Council meeting, as well as during yesterday's Division III Chancellors and Presidents Forum and luncheon.

In each meeting, we solicited and reviewed feedback from presidential colleagues regarding the white papers and related topics. We received great input from the 140 presidents and chancellors at yesterday's luncheon.

What we would like to do is focus on the finer points on Division III philosophy and to move forward as a division, based on tenets about philosophy. Based on these discussions, we have been able to develop more-defined prioritization and timetable related to these issues. That is the information we intend to share with you this morning in more detail.

Presenting these presentations will be two individuals that led the Presidents Council during the year. I am especially grateful to them for their leadership on the Council and their leadership on this issue.

First will be President Paul Trible of Christopher Newport University, the vice chair, and he will be followed by Jim Harris, president of Widener University, who will become the Council's vice chair and who will also chair the subcommittee. I will call on Paul.

**Paul Trible (Christopher Newport University):** Thank you, John, and good morning to all. My colleagues and I look forward to this next year with great excitement and anticipation, and believe it to be a defining year in the life of Division III. For several years now, we have been engaged in time to debate and discuss.

To use the words of our able chair, John Fry, a period of serving. Today is a discussion and discernment about who we are, what we value and where we go from here. What we have learned is that what unites us is far more powerful and important than what divides us.

We are the most vibrant division in the NCAA, and we need to celebrate our strength and our success, and tell our story more powerfully and more persuasively. We need to tell that story to our members. We need to tell that story to our student-athletes, and tell that story to our faculty and staff and alumni, and to prospective students and their families, and to the communities and states that we serve.

Our strength is our rich diversity and our shared commitment to putting the word "student" first. We enrich and transform the lives of our student-athletes because they are full and active participants in the academic life of our campuses.

We are in the business of shaping minds and hearts. Our student-athletes know firsthand about leadership, honor and civic engagement. Our student-athletes play not because they are paid, but because of their sheer love of sports and competition in the pursuit of excellence.

America and the world desperately need the young men and women that we produce in our classrooms and on our courts and fields, and they need to hear their story. They need to know why our student-athletes and why each one of us have chosen the Division III experience, and why what we do each and every day makes this world a better place.

So, as we move forward over this next year, we are going to begin to tell that story far more energetically, far

more persuasively to all of those constituencies. We are also going to pursue important discussions around these nine white papers.

We are going to talk about core values and highlight the important issues that will shape the future of Division III.

Jim Harris, the president of Widener University, has led that important discussion, and I now call upon Jim to speak to us this morning. Thank you.

**Jim Harris (Widener University):** Thanks. Good morning, everyone. I want to thank Paul and I want to thank John for those opening comments. Also, before I begin my presentation, I want to thank Kathy Owens, who is the president of Gwynedd-Mercy College, who along with Pam Gann, who is the president of Claremont McKenna College. They both served this summer on the working group to put together these white papers.

As I begin this presentation, I am going to walk through each of them, and I will have the floor open later for conversation and to hear your comments. I am reminded that the key issue is about philosophy and the mission of Division III, and also the role of college/university presidents in Division III.

I have a story to share with you that at the time of my inauguration at Widener University, we had this on a beautiful Friday afternoon in October. The following day was Homecoming, so I had an opportunity to meet alums while I was on campus.

I am walking around the stadium during the football game at halftime, and a young lady comes walking out of the women's restroom. She says, "Hey, you are our new president, aren't you? I am so glad I met you." I said, "Well, it is very nice to meet you, too. What can I do for you?" She said, "Could you get some toilet paper in the restroom for me?" So, on my campus, I guess that is one of the roles of the president.

We have very serious issues to talk about, and we think this is an extraordinarily exciting time for Division III to move forward, and we are asking for more presidential leadership. What I would like to start the presentation with is to walk you through the nine papers. We have a series of bullet points. I want to talk about some of them, and then move forward at the end and seek your comments.

Before we do that, as you know, in the NCAA we have a number of acronyms we have to be familiar with as we move forward. Each of the slides will have perhaps some of these acronyms on them. The PC is for the Presidents Council. The PAG is the Presidents Advisory Group.

MC is for the Management Council. ILC is for the Interpretations and Legislation Committee. SPFC is the Strategic Planning and Finance Committee, Memb Comm is the Membership Committee, as well as PPS, which is the Playing and Practice Seasons Subcommittee.

Now, let me begin with this notion of presidential leadership. Before I get to this actual point, I would like to also go back to what we are finding when we talk about the mission and philosophy and the future of Division III is that it is not easy for people to talk about Division III.

What we seem to do is to define ourselves by what we do not do, and that is to not offer scholarships for athletics participation, rather than to talk about what we do and what we do so well, what we cherish as the values and philosophies of Division III.

As we move forward, we believe in the Presidents Council that it is important that more presidents become involved, and that unlike some of the conferences represented in this room where you have strong presidential involvement, there are other conferences around the country where we do not. So, both at the conference level and at the national level, we would like to see more participation with the presidents and by the presidents.

First of all, we will have three slides on presidential leadership. You will see that the priority one, what we are talking about, who is going to be involved with the governance structure, discussion and oversight, as well as the estimated timeline as to when we might move forward with this information and try to make these changes.

So, first of all, let's talk about the philosophy statement to address presidential leadership. Our current philosophy statement does not mention who is responsible ultimately for our athletics programs on our campuses. We believe that is something that should be added to the mission statement and to the philosophy, and to restate that, that the presidents need to be responsible for and be a part of our athletics programs.

We also want to consider greater legislative authority for the presidents. I think the examples I can give of this might be my own personal examples as a president. When we attend the NCAA Convention, there are a num-

ber of things that are on the agenda, and we believe as a Presidents Council that many of those things should be taken care of by those who understand these issues the best. That would be the Management Council and by the athletics administrators.

For example, in our most recent conversation this morning, one of those issues might be the tryout rule that was brought up in our legislation. That is better handled, we believe at the Presidents Council, by the athletics directors, by athletics administrators, by those who are closer to it.

On the other hand, there have been issues that have concerned us. So, for example, last year, and it is not so much to debate the merits of last year's proposal, but rather to give you our perspective as the Presidents Council, last year there was a proposal, if you recall, with regard to the offering of academic services for our student-athletes, that they would have separate services that could be provided for athletes.

There were some good arguments about why you should do that and not do that. The Presidents Council, however, believed that that was, I guess, the best way to say it, running against the basic philosophy of Division III, that it was changing and separating the role of the student-athlete from the rest of the student body.

So, the Presidents Council had this discussion with the Presidents Advisory Group, with the Management Council, and they all agreed that this is something that we were against, providing these services. When it came to the floor, this is something that is fundamentally important to all of us as presidents, and it came to the floor. If you recall, it was a tie vote and then reconsidered and voted on, and it passed by the slightest of margins.

What we believe in the Presidents Council is on the issues that are that important, that the Presidents Council should be able to designate or there should be some mechanism for designating a super majority on those votes. We think that is so important. So, when it comes down to a fundamental issue about Division III, there should be a higher standard that you have to pass to change those rules and regulations.

We also would like to consider, and that includes consideration of a separate process, for presidents to decide the fundamental legislative issues.

Priority two would be how do we have more presidents participate in our conversations to get them more involved. One piece of legislation we could propose is that we require three presidents in every conference to attend, to have more presidential involvement here at the Convention itself. Also, to develop best practice guides for presidents.

So many of you have presidents who are deeply involved on your campuses and they are doing great work. We would like to be able to share those practices with other presidents, so they know how they might participate at a greater level and to do the things that are most important to advance the health and well-being of our student-athletes.

Priority three, you will see we are discussing and encouraging greater participation in the Association's orientation session, and that would include more presidents and chancellors, invite them to this Convention, to have them go through the orientation.

But the second point is an important one. That is, we can partner with organizations like CIC, and maybe ACE, and other national organizations of higher education, to include in their orientation where they are putting new presidents through the orientation, that we could include something about the NCAA and put that front on their agenda so they know that is an important role as a president.

We have also talked about a way to increase presidential involvement would be to perhaps streamline when the presidents would need to be here, so that you would have perhaps on Friday, as we did yesterday, a session in the morning where they could learn about the various legislative issues.

We would have a presidential luncheon where we could present it to the presidents and understand where they stand on the issues. We could then move forward to our conferences and we can streamline that because, particularly in January, all of us are involved in so many different things and so many different conferences and associations that we could attend. We would like to have it so that we get more participation.

Moving on, I would like to move to the philosophy identity statement. One of the very first things we would need to do obviously, if we want more presidential involvement, we believe that there should be a statement of some sort in our mission about presidential leadership.

Secondly, we believe in the possibility of partnering, or excuse me, to engage in comprehensive educational

efforts related to the philosophy statement. We need to explain to people what we are all about and all the great things about Division III, and we also need to identify to define and promote the Division III identity.

I am new to the Presidents Council, but one of the great frustrations that I see and I hear from John and Paul is that they go to the Executive Committee of the NCAA and, of course, Division II has identified their mission statement and clarified their role, and come out with slick brochures and come out with their presentation of what Division II is in a very good campaign.

We believe that we have equal to or greater than that story than Division II, and we would like to move forward. We think this is the right time. But before we do that, we have to clarify our elevator speech, so to speak. We have to understand what are the key and fundamental principles that we stand for and how do we articulate that in the future.

We also believe there is an opportunity that you see if you recall the presentation for those who were here on Thursday morning, I believe it was, when Bill Pennington presented with regard to the sports specialization culture. We believe that Division III can serve as a conscious alternative to that culture. We think there is something special in that for us.

I particularly enjoyed when President Noble spoke at that presentation in the morning, and he spoke about the difference of Division III philosophy based on balance and proportionality. I think those are key components that we could take into consideration as we are putting together our branding and promotion of Division III.

We also believe that it would be helpful if boards understood better the role of athletics, the important role athletics play on our campus, and we would like to have ways that we might involve board members and to educate them about the expectations for presidents and their roles with regard to our athletics programs.

Also, a simple statement which is that we need to make sure that the Philosophy Statement is more prominently displayed and is an emphasis in our Division III Manual.

Let me move on to financial aid standards. What we are suggesting here is that the one principle probably everyone in the room could agree on is that is what distinguishes us from other divisions is that we do not provide scholarships for athletics participation.

We believe that in the future any discussion with regard to financial aid would require a super majority vote to make revisions to that basic principle. If we had a two-thirds vote that wanted to make a change, then obviously that would have to be a very significant discussion. But if two-thirds really wanted to move in that direction, we think that that is appropriate.

On the other hand, we don't believe that a simple majority on a vote should change something that is so fundamental to the philosophy of Division III.

Yesterday, you saw a presentation on Division II as a possible membership destination for institutions of higher learning. We believe that you know of a simulation tool that is available so that people can go in and plug in their financial aid and decide whether or not Division II might be an alternative for them.

We just want to emphasize that there is another option for schools that might be considering Division III. They might be a better fit or find a better situation for them to go to Division II. We see an opportunity here to conduct joint meetings with the membership of Division II to talk about our futures.

Sports sponsorship and membership, particularly sports sponsorship, is one of the basic tenets of Division III as well. To give you some sense of where we stand at this point, those who entered NCAA Division III prior to 1990, on average, have 16 athletic teams. Those who joined the NCAA after 1990 average 13.

As you know, the legislation that we passed in 2006 is that those institutions with an enrollment of over 1,000 are required to have 12 teams by 2011. We certainly want to implement and move forward with the sports sponsorship piece of this.

We also think there are opportunities in the second bullet point to use technology better. And also going back to the conversation about presidential leadership, perhaps we can use technology to help presidents participate virtually and to not necessarily have to be on the Convention floor, and using technology as a way to fulfill our educational obligations for membership.

Playing season standards, as you see here, are to try to solidify the division's position on playing season length. The statement is really about the right to non athletic pursuits. What the Presidents Council would say about

this is that we are not making a statement for or against nontraditional seasons. That will always be discussed about how athletes participate in those.

What we are concerned about is that athletes are allowed or given the opportunity in the nontraditional season to participate in other things on our campuses. For example, we would not like to see that a student would be penalized, that he or she must participate in the nontraditional season in order to participate in the traditional season. So they could participate in things like internships, co-ops, they might do study abroad, that they engage in the full range of activities that are available on our campuses. We would like to make sure that that option is available for them.

We also think that we need to engage in more thorough review of the amount of competition permitted in the nontraditional segment. Academic considerations, there are two slides on this with regard to our priorities of academic matters.

First of all, amend the philosophy statement to emphasize that we are primarily based on an undergraduate, four-year experience. Of course, this gets to the issue of redshirting, and that we do believe that a student-athlete should move through at the same pace as the rest of our students, clarify the national eligibility standards, and also encourage conferences to actively review initial eligibility and academic fraud versus student-athletes. We think maybe at that local level we might be able to do that as well or better than we could at the national level.

There was a little bit of confusion when the survey was taken with regard to academic considerations. We were asking or considering that perhaps some people thought that maybe Division III was trying to move in the direction of a Prop 48 for Division III. That was not the case.

However, we do think that there should be a way for us to compare the academic progress of the student-athletes on our campus with the nonathletes on our campus as well. We also believe that this is probably going to be a very positive statement about Division III, that student-athletes in many institutions are graduating at the same rate or a greater rate than the rest of the student body. We think that is something that we could be proud of and something we could use as representing the branding and this mission of Division III.

Let's move on to championships. We think that the championships are going to continue to grow over the next two decades. As we grow, we want to make sure that we change the access ratio policy to limit championship fields in team sports to 64.

We would do this at the 2011 Convention, but we are suggesting this is something that we are going to move forward with and emphasize the quality of the student-athlete experience as a championship priority. Overall, the student-athlete experience is what is paramount in Division III.

Finally, the budget priorities. As all of us know that pay attention to the budget for Division III, that the revenue for Division III, 90 percent of it is coming from 3.1 percent of the overall income from TV revenue from the Final Four.

As you know, those contracts, you have heard some of the presentations, still have a few years to go on that contract and the extension. We have a comfortable reserve right now in Division III and we would like to use those dollars.

We have been assured by President Brand that we will have the resources available to make sure that we do an appropriate marketing and branding campaign, and once we do come to some conclusions about our philosophy statement, about where we are moving in the future.

If necessary, because this is the greatest deal in American higher education, we have had no increases in our dues in 26 years. I can't think of any other association where that is the case. We are not suggesting that we want to raise the dues, but should we find some initiatives where we think that there might be opportunities for us to clarify our identity, to move us forward in some significant ways, we might consider that. So, that would be something that we might talk about in the future.

So again, we are very, very excited. I think this is a great step forward for Division III. This is a wonderful time to be participating in the governance of Division III, and I am looking forward to hearing some of your comments and reactions to the white papers. So, we will open the floor to any comments.

**James Nelson (Suffolk University):** There is one thing that appeared to be missing, at least from my perspective. We have had some conversations relative to Division II but have there been any conversations about the

NAIA and their membership, and what conversations between the NCAA and the NAIA, or is that relevant at this time?

**Mr. Harris:** Thank you for the question. I am going to defer to President Fry, because he has been directly involved in those conversations.

**Mr. Fry:** For the last year, we have actually had very productive conversations with our colleagues from the equivalent of the NAIA Presidents Council, and we have first gotten to know one another, and then we have started to talk about the possibility of a partnering on certain programmatic, not structural but programmatic, issues, such as the eligibility center.

We can leverage the enormous capacity of the NCAA to benefit the NAIA, so they don't have to duplicate what we are already doing. So, we are now talking about a series of programmatic issues. I do think that is going to lead to further discussions that could result in some sort of a partnership with the NAIA. It is too early to tell, but I think we are off to a really good start.

I attended a meeting with about 40 or 50 NAIA presidents, and we spoke to them, Dan was there, and we had a series of vertical conversations. It was just a very good vibe in terms of the issues that we have in common. These are very good institutions that we would like to see some sort of a relationship with in the future.

So, we are in this sort of programmatic phase of this. It may go further, it may not. Time will tell over the next couple of years.

**Mr. Nelson:** Thank you.

**Mr. Harris:** Any other comments?

**John Ratliff (Keene State College):** I just wanted to speak briefly on No. 8, championships. This idea has maybe been floated out there before, talking about the access ratio.

This is just something I briefly wrote, but I would like to address. Access to NCAA championships is of critical importance to every institution represented here today as well as every student-athlete. It is the basic fundamental that excites every coach and every student-athlete at the beginning of the season.

All indicators point to the fact that several sports will reach maximum bracket size by 2011, thus decreasing the championship access if everything else remains status quo. So, the underlying question is how do we maintain the current access ratio when membership increases?

From our white papers, we know that 86 percent of the membership indicated a preference for a maximum of three weeks for the championship, while another 73 percent of membership supports the current access ratio or even a lower ratio. We cannot have it both ways.

There has to be some give and take to accommodate the championship participation as membership grows. By adding one week to the championship season, we could accommodate growth for the foreseeable future. This increase to the championship season could be offset by reducing the traditional season or the nontraditional seasons by one week, thus allowing fall sports a 17-week season and winter and spring sports 18 weeks.

Institutions could have the autonomy to either reduce the week within their traditional or nontraditional season. By compromising in this fashion, we have not lengthened the overall season at all. It is still the same. We have just added one week to the championship season and reduced one week from the traditional and nontraditional season.

Doing this would allow the division to maintain the current access ratio while managing growth and at the same time would not increase the length of the overall season. Thank you for your attention.

**Mr. Harris:** Thank you. Any other comments?

**Rudy Keeling (Eastern College Athletic Conference):** I am on one of the few committees that will be part of this study and help us to go forth. In looking at it, I think we have missed something that is very obvious if you look out at the crowd, and that is the diversity of our staffs, our staffs being the athletics staffs.

I think that is something that the presidents need to take as their charge and make an obvious effort to see that that is being addressed.

**Mr. Harris:** Thank you. That is a very good point, and we will take that under consideration. I think we can add that. Any other comments, please? Seeing none, thank you very much. (Applause)

**Mr. Fry:** OK. We are going to move on to the annual report. We are happy this year to present our first

Division III Annual Report. This is a product of our Committee on Strategic Planning and Finance, and the leader of that committee is none other than Paul Trible. So, I will ask Paul to come up and give us an overview of the annual report.

**Paul Trible (Christopher Newport University):** Thank you, John. On behalf of our committee, I have been asked to share with you today the publication of our first annual report. This document shares the Division III budget and basic fact sheet, but more importantly, it lists the description and the membership in each of the Division III strategic initiatives.

It provides a snapshot in time of conference membership and it includes highlights on important Division III programs, such as financial reporting, drug education and the testing pilot. It includes reflections from Myles Brand about important activities, and most importantly, it reports how the governance structure has activated the strategic plan and invested our financial resources.

Since the time of federation, Division III has been able to allocate an increasingly significant portion of our resources on initiatives beyond hosting national championships. Division III strategic initiatives now count for 25 percent of our annual budget and programs exist to support advancements in wide-ranging areas from student-athlete well-being to professional development for athletics staff, to sportsmanship, to diversity and gender equity.

These strategic initiatives are particularly important because they reflect our emphasis on developing student-athletes in the classroom and beyond the classroom, on the court and in the field, and as healthy contributors to our communities and to our country. In so doing, we also place real value in providing professional development to those individuals that work with our student-athletes each day.

The Strategic Planning and Finance Committee bears the responsibility of monitoring and directing these initiatives. We now offer this report to the membership so that each of us can see the tangible results of our reference. The online publication is available through the Division III home page, and a hard copy has been provided to each conference commissioner. We invite your feedback on these strategic programs and on this first annual report.

Now, if I may move beyond that, there is one final matter that is important. For the last six years, President John Fry of Franklin & Marshall College has been an active and influential member of the Presidents Council, and for the past two years, John has chaired and led our efforts, and no one has invested more time and effort on our behalf.

John, our deliberations and actions should have been enriched by your wise counsel. We are very grateful for your leadership and your many contributions to the success of our student-athletes, Division III, and indeed, the entire NCAA.

I would ask you to join me in a round of applause to show our appreciation to John Fry for his leadership.  
(Whereupon, the assembly extended a prolonged standing ovation.)

**Mr. Fry:** Thanks, Paul, for those kind words.

We now have a special presentation. It is going to honor someone that we all like a lot and occasionally make fun of. I am going to leave this to Brad Bankston, commissioner of the ODAC, who will formally acknowledge this year's recipient. This is the Division III Commissioners Association Award of Merit.

### **DIVISION III COMMISSIONERS ASSOCIATION AWARD OF MERIT**

**Brad Bankston (Old Dominion Athletic Conference):** President Fry, thank you very much for this opportunity. Each year, the Division III Commissioners Association awards its Meritorious Service Award to a member of the Division III community who has contributed significantly to the membership.

Besides being the division's most famous librarian, this year's recipient has truly served Division III in many capacities. Besides serving as the chair of the Management Council for two years, he has participated in five Association or division-wide committees, and spent over a year at the NCAA office working with the staff on strategic planning and research.

After returning to his normal life and knowing that he needed to do more for us as a division, he came back as our parliamentarian this year.

Please join me in a round of applause in recognizing the 2009 service award winner, Michael Miranda.  
(Whereupon, the assembly extended a prolonged standing ovation.)

**Mr. Fry:** Congratulations, Mike. It is very well-deserved. In the spirit of recognition, I see Lynn Oberbillig at Microphone No. 7, and she has something to say to us as well.

**Lynn Oberbillig (Smith College):** Thank you, President Fry. On behalf of the Management Council and the entire NCAA membership, we would like to thank Del Malloy for his work as chair of the NCAA Management Council. I would like to bring to your attention where we were a year ago with all the discussion of restructuring, the tension that was in the room, the atmosphere, and compare it to today, with the friendly passing of the legislation, the ease with which we moved through the agenda.

I think we can attribute a lot of that to Del's leadership. He has a calming influence on every committee he serves on. He operates with integrity. His first priority has always been the student-athletes, and I would like to recognize his service in a year where he switched jobs from the athletics director at Salve Regina to the conference commissioner, and all the work that takes, and acknowledge the work that he put in on behalf of our membership. So, please join me in thanking Del Malloy. (Applause)

**Mr. Fry:** For those of you who don't know, the SAAC recognizes Del as one of their real friends. Their affectionate nickname for him is Big Peanut because he is the biggest one in the peanut gallery. So, that is a real compliment.

## CLOSING REMARKS

I want to thank you for your attention and participation today and throughout this weekend. I want to say personally it has been an incredible privilege and a great pleasure to serve this magnificent organization, Division III. I would like to personally see if you can encourage your presidents and your chancellors to become involved.

If they have any questions or they want to talk about the experience, tell them to call me personally, because I am a pretty good marketer when it comes to what we stand for. Thank you again. We are now adjourned.

[The Division III business session was adjourned at 10:45 a.m.]

# 103rd Annual Convention

## DIVISION II

### LEGISLATIVE PROPOSALS

#### SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals:

- Those letters and words that appear in *italics* are to be deleted;
- Those letters and words that appear in **bold** face are to be added; and
- Those letters and words that appear in normal text are unchanged from the current Division II legislation.]

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#### DIVISION II LEGISLATIVE PROPOSALS

*The NCAA Division II Presidents Council has determined that it will deal primarily with those national issues in Division II athletics that prompt widespread concern among Division II presidents or chancellors.*

*Legislative proposals developed by the Division II Management Council or by Division II committees reporting to it must be submitted to the Division II Presidents Council for review. They cannot be placed on the agenda for consideration at the Convention unless the Presidents Council agrees to sponsor them. This procedure was established to affirm presidential control of intercollegiate athletics in Division II.*

*The Division II Presidents Council has identified those proposals that it believes are of particular interest to Division II presidents or chancellors and has included them in the Presidents Council grouping. It should be noted, however, that inclusion of proposals in the Presidents Council grouping does not necessarily constitute a position by the Division II Presidents Council for or against a proposal. Those proposals with an asterisk before the proposal number have been identified by the Presidents Council as roll-call votes. Delegates should refer to each proposal's source line for information regarding the sponsor of each proposal.*

[Note: Pursuant to Constitution 5.3.12, all amendments shall become effective not earlier than the first day of August following adoption at the NCAA Convention; however, if a voting delegate wishes to propose an immediate effective date, or to propose any other effective date prior to the first day of August, a two-thirds majority of all delegates present and eligible to vote on the amendment is required to approve the immediate or alternative effective date. Those proposals that receive the required vote to carry an immediate effective date and that are adopted, become effective upon adjournment of the Convention.]

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#### CONSENT PACKAGE

**NO. 2009-1 (NO. 2-2) AMATEURISM — FINANCIAL DONATIONS  
FROM OUTSIDE ORGANIZATIONS —  
PROFESSIONAL SPORTS  
ORGANIZATIONS — TO INSTITUTION**

**Intent:** To specify that a member institution may receive contributions (e.g., tickets, funds, memorabilia) from a professional sports organization.

**Bylaws:** Amend 12.6.1, as follows:

12.6.1 Professional Sports Organizations.

[12.6.1.1 through 12.6.1.3 unchanged.]

12.6.1.4 To Institution, *Permissible*.

- (a) *Funds.* A member institution may receive funds **contributions** (e.g., **tickets, funds, memorabilia**) from a professional sports organization, provided:
  - (1) *The money is placed in the institution's general fund and used for purposes other than athletics;*
  - (2) *The money is placed in the institution's general scholarship fund and commingled with funds for the assistance of all students generally; or*
  - (3) *The money is received by the institution as a result of a reciprocal contractual marketing relationship and is placed in the athletics department's budget for the specific purpose of marketing and promoting any institutionally sponsored sport.*
- (b) *Sports Memorabilia.* An institution may receive sports memorabilia from a professional sports organization to be used in institutional (or departmental) fundraising activities.

12.6.1.5 To Institution, *Nonpermissible.* A member institution shall not accept funds from a professional sports organization, if:

- (a) *The funds are for the purpose of recognizing the development of a former student-athlete in a particular sport. The receipt of such funds by an institution would make additional moneys available that could benefit student-athletes thus result in student-athletes indirectly receiving funds from a professional sports organization;*
- (b) *The money, even though not earmarked by the donor, is received and credited to institutional funds for the financial assistance of student-athletes generally; or*
- (c) *The money is placed in the institution's general fund and credited to the athletics department for an unspecified purpose.*

[12.6.1.6 through 12.6.1.7 renumbered as 12.6.1.5 through 12.6.1.6, unchanged.]

**Source:** NCAA Division II Presidents Council [Management Council (Legislation Committee)].

**Effective Date:** August 1, 2009

**Rationale:** Under current legislation, an institution is only permitted to receive funds or sports memorabilia from a professional sports organization if certain requirements are met. Deregulation of this legislation will allow an institution to develop relationships and partnerships with professional sports organizations. Further, allowing institutions to accept any contributions

from a professional sports organization should not impact the amateur status of individual student-athletes. This proposal also reduces bureaucracy by eliminating the requirement that funds be placed in the institution's general fund or received as a result of a reciprocal contractual marketing relationship.

**NO. 2009-2 (NO. 2-7) ELIGIBILITY — PROGRESS-TOWARD-DEGREE REQUIREMENTS — BONA FIDE FOREIGN EXCHANGE STUDENT EXCEPTION**

**Intent:** To specify that the eligibility for competition of a student-athlete who meets the bona fide foreign exchange student exception to the four-year college transfer legislation shall be based on the satisfactory completion of progress-toward-degree requirements, as specified.

**Bylaws:** Amend 14.4.1, as follows:

14.4.1 Progress-Toward-Degree Requirements. To be eligible to represent an institution in intercollegiate athletics competition, a student-athlete shall maintain progress toward a baccalaureate or equivalent degree at that institution as determined by the regulations of that institution. As a general requirement, "progress toward degree" is to be interpreted at each member institution by the academic authorities who determine the meaning of such phrases for all students, subject to controlling legislation of the conference(s) or similar association of which the institution is a member. (See Constitution 3.2.4.12 regarding the obligations of members to publish their progress-toward-degree requirements for student-athletes.) (Note: The restrictions, exceptions and waivers set forth in Bylaws 14.4.3.3, 14.4.3.4 and 14.4.3.5 also apply to the general requirements for good academic standing and progress toward degree.)

14.4.1.1 **Bona Fide Foreign Exchange Student.** A student-athlete having the status of a **The eligibility of a bona fide foreign exchange student**, as defined in Bylaw 14.5.1.5.1, shall maintain progress toward a baccalaureate or equivalent degree at the student's preceding educational institution. **be based on satisfactory completion of at least:**

- (a) Six semester or six quarter hours of academic credit during the preceding regular academic term in which the student has been enrolled full time at any collegiate institution [see Bylaw 14.4.3.1-(a)];
- (b) Credit-hour requirements set forth in Bylaw 14.4.3.1-(b);
- (c) Credit hours earned during the regular academic year as set forth in Bylaw 14.4.3.1.4; and
- (d) Cumulative minimum grade-point average as set forth in Bylaw 14.4.3.2.

**Source:** NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

**Effective Date:** August 1, 2009

**Rationale:** Current legislation allows student-athletes who meet the bona fide foreign exchange student exception to the transfer legislation to participate in intercollegiate athletics competition without meeting NCAA progress-toward-degree requirements while enrolled at the certifying institution. Such student-athletes are only required to maintain progress toward a baccalaureate or equivalent degree at their preceding educational institutions. While these student-athletes often are limited in their ability to designate a degree program at the certifying institution, this proposal will require a review to ensure that such students are maintaining a minimal level of academic achievement.

**NO. 2009-3 (NO. 2-13) ADMINISTRATIVE REGULATIONS  
— RECRUITING CALENDARS —  
DEAD PERIODS FOR OTHER  
SPORTS — MEN'S LACROSSE**

**Intent:** In men's lacrosse, to establish additional dead periods, as specified.

**Administrative:** Amend 30.11.4, as follows:

30.11.4 Dead Periods for Other Sports. There are no specified contact and evaluation periods in sports other than football and basketball except for the following dead periods.

[30.11.4.1 through 30.11.4.1.1 unchanged.]

**30.11.4.2 Lacrosse, Men's. In addition to the dead period before the National Letter of Intent signing date (see Bylaw 30.11.4.1), the following dead periods shall apply to men's lacrosse:**

- (a) **Thursday before the NCAA Division II Men's Lacrosse Championship to Tuesday noon after the championship; and**
- (b) **Wednesday before the Intercollegiate Men's Lacrosse Coaches Association Clinic to Monday noon after the clinic.**

**Source:** NCAA Division II Presidents Council [Management Council (Championships Committee)].

**Effective Date:** August 1, 2009

**Rationale:** Establishing specified dead periods in men's lacrosse will emphasize life-work balance for coaches and institutions and will also encourage coaches to attend important national events, such as the NCAA Division II Men's Lacrosse Championship and the Intercollegiate Men's Lacrosse Coaches Association (IMLCA) clinics. The recommended dead periods were proposed by the IMLCA and have been supported by the NCAA Divisions II Men's Lacrosse Committee.

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**PRESIDENTS COUNCIL GROUPING**

**\*NO. 2009-4 (NO. 2-1) PERSONNEL — CONDUCT OF  
ATHLETICS PERSONNEL —  
RESPONSIBILITY OF HEAD COACH**

**Intent:** To define the responsibilities of a head coach with regard to compliance with NCAA rules.

**Bylaws:** Amend 11.1.2, as follows:

[Roll Call]

11.1.2 Responsibility for Violations of NCAA Regulations. Institutional staff members found in violation of NCAA regulations shall be subject to disciplinary or corrective action as set forth in the provisions of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

**11.1.2.1 Responsibility of Head Coach.** It shall be the responsibility of an institution's head coach to promote an atmosphere for compliance within the program supervised by the coach and to monitor the activities regarding compliance of all assistant coaches and other administrators involved with the program who report directly or indirectly to the coach.

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Infractions)].

**Effective Date:** Immediate.

**Rationale:** The head coach has a special obligation to promote a culture of compliance in the entire sport program, including assistant coaches, other staff and student-athletes. The head coach must monitor the activities of assistant coaches and staff to determine if they are acting in compliance with NCAA rules. Too often, when assistant coaches or other administrators involved with the program are involved in serious violations, head coaches profess ignorance regarding such violations while indicating such responsibilities were entrusted to their assistant coaches. A head coach should be presumed to have knowledge and, therefore, responsibility for the actions of those individuals associated with his or her team whom the coach directly or indirectly supervises. However, a violation of the proposed bylaw will occur only in major-infractions cases, similar to institutional control allegations, or in very serious secondary cases. This proposal does not imply that every violation by a staff member or student-athlete involved in the head coach's program will be considered a lack of control on the part of the head coach. There is a rebuttable presumption that exists when situations indicate that the head coach has set a proper tone of compliance. Under such circumstances, the head coach would not be

charged with a lack of control for activities that may result in NCAA rules violations. A similar version of this bylaw has previously been adopted in Divisions I and III.

**\*NO. 2009-5 (NO. 2-4) DIVISION MEMBERSHIP —  
DEFINITIONS AND APPLICATIONS  
— EMERGING SPORTS FOR WOMEN  
— ARCHERY, BADMINTON,  
SYNCHRONIZED SWIMMING, TEAM  
HANDBALL AND SAND  
VOLLEYBALL**

**Intent:** To add sand volleyball as an emerging sport for women; further, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports, as specified.

**A. Bylaws:** Amend 14.1.8.1.9.4, as follows:

[Roll Call]

14.1.8.1.9.4 Practice — United States Olympic Committee/National Governing Body — Individual Sports, **or** Rowing or *Synchronized Swimming*. A student-athlete with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions that involve an individual sport, **or** rowing or *synchronized swimming*, provided the following conditions are met:

[14.1.8.1.9.4-(a) through 14.1.8.1.9.4-(d) unchanged.]

**B. Bylaws:** Amend 15.5.2.1.2, as follows:

[Roll Call]

15.5.2.1.2 Women's Sports. There shall be a limit on the value (equivalency) of financial aid awards (per Bylaw 15.02.4.1) that an institution may provide in any academic year to counters in each women's sport, as follows:

Archery	9.0	Rowing	20.0
Badminton	10.0	Rugby	12.0
Basketball	10.0	Skiing	6.3
Bowling	5.0	Soccer	9.9
Cross Country/ Track and Field	12.6	Softball	7.2
Equestrian	15.0	Squash	9.0
Fencing	4.5	Swimming and Diving	8.1
Field Hockey	6.3	<i>Synchronized Swimming</i>	5.0
Golf	5.4	<i>Team Handball</i>	12.0

Gymnastics	6.0	Tennis	6.0
Ice Hockey	18.0	Volleyball	8.0
Lacrosse	9.9	Water Polo	8.0

**C. Bylaws:** Amend 17.02.14, as follows:

[Roll Call]

17.02.14 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.14-(a) through 17.02.14-(c) unchanged.]

17.02.14.1 Team Sports. The following are classified as team sports for purposes of this bylaw:

Baseball	Rugby, Women's
Basketball	<b>Sand Volleyball</b>
Field Hockey	Soccer
Football	Softball
Ice Hockey, Men's and Women's	Synchronized Swimming, Team Handball, Women's
Women's Lacrosse	Volleyball
Rowing, Women's	
Water Polo, Men's and Women's	

[Remainder of 17.02.14 unchanged.]

**D. Bylaws:** Amend 17.02.14, as follows:

[Roll Call]

17.02.14 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.14-(a) through 17.02.14-(c) unchanged.]

17.02.14.1 Team Sports. The following are classified as team sports for purposes of this bylaw:

Baseball	Rugby, Women's
Basketball	Soccer
Field Hockey	Softball
Football	<i>Synchronized Swimming, Women's</i>
Ice Hockey, Men's and Women's	<i>Team Handball, Women's</i>
Lacrosse	Volleyball
Rowing, Women's	Water Polo, Men's and Women's

17.02.14.2 Individual Sports. The following are classified as individual sports for purposes of this bylaw:

Archery, Women's	Rifle
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<i>Badminton, Women's</i>	Skiing
<i>Bowling, Women's</i>	Squash, Women's
<i>Cross Country</i>	Swimming and Diving
<i>Equestrian, Women's</i>	Tennis
<i>Fencing</i>	Track and Field, Indoor and Outdoor
<i>Golf</i>	Wrestling
<i>Gymnastics</i>	

**E. Bylaws:** Amend 17.2, as follows:

[Roll Call]

**17.2 ARCHERY, WOMEN'S.** *Regulations for computing the archery playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figures 17-1 and 17-2.)*

**17.2.1 Length of Playing Season.** *The length of an institution's playing season in archery shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

**17.2.2 Preseason Practice.** *A member institution shall not commence practice sessions in archery before September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

**17.2.3 First Date of Competition.** *A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in archery before September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

**17.2.4 End of Regular Season.** *A member institution shall conclude all practice and competition (meets and practice meets) in each segment in archery by the conclusion of the national governing body championship in archery.*

**17.2.5 Number of Dates of Competition.**

**17.2.5.1 Maximum Limitations — Institutional.** *A member institution shall limit its total playing schedule with outside competition in archery during the institution's archery playing season to 15 dates of competition (games and scrimmages), except for those dates of competition excluded under Bylaws 17.2.5.3 and 17.2.5.4.*

**17.2.5.1.1 In-Season Foreign Competition.** *A member institution may engage in one or more of its countable dates of competition in archery in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified for-*

*eign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.*

**17.2.5.2 Maximum Limitations — Student-Athlete.** *An individual student-athlete may participate in each academic year in 15 dates of competition. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.*

**17.2.5.3 Annual Exemptions.** *The maximum number of dates of competition in archery shall exclude the following:*

- (a) *United States Intercollegiate Championships. Competition in the U.S. Intercollegiate Archery Championships;*
- (b) *United States Indoor Championships. Competition in the U.S. Indoor Archery Championships;*
- (c) *Conference Championship. Competition in one conference meet in archery;*
- (d) *National Governing Body Championship. Competition in the archery national governing body championship;*
- (e) *Alumni Meet. One date of competition each year with an alumni team of the institution;*
- (f) *Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;*
- (g) *Hawaii, Alaska, Puerto Rico. Any days of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;*
- (h) *Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*
- (i) *Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in archery conducted for the purpose of raising funds for charitable organizations, provided:*
  - (1) *The student-athletes do not miss classes as a result of the participation; and*

(2) *The involvement of the student-athletes has the approval of the institution's athletics director.*

**17.2.5.4 Once-in-Four-Years Exemption — Foreign Tours.** *The dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

**17.2.6 Out-of-Season Athletically Related Activities.** *Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season in accordance with Bylaw 17.2.1, except as permitted in Bylaws 17.1.6.2 and 17.1.6.2.1.*

**17.2.6.1 Summer Practice.** *Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in his or her sport.*

**17.2.6.1.1 Summer-Workout Sessions.** *A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete.*

**17.2.7 Safety Exception.** *A coach may be present during voluntary individual workouts in the institution's regular practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete uses archery equipment. The coach may provide safety or skill instruction but cannot conduct the individual's workouts.*

**17.2.8 Camps and Clinics.** *There are no limits on the number of student-athletes in archery who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

**17.2.9 Other Restrictions.**

**17.2.9.1 Noncollegiate, Amateur Competition.**

**17.2.9.1.1 In Season.** *A student-athlete shall be denied eligibility for intercollegiate competition for the remainder of the season in archery, if after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate squad or team, she competes or has competed as a member of an outside team in any noncollegiate, amateur competition (e.g., team invitational*

*meet, exhibition meets or other activity) during the institution's intercollegiate season (see Bylaw 14.7.5 for exceptions and waivers).*

**17.2.9.1.2 Out of Season.** *There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team.*

**17.2.9.1.2.1 Involvement of Coaching Staff.** *No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.5, 16.8.1.3.1 and 17.32.*

**17.2.9.1.2.2 Olympic and National Team Development Program.** *There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.*

**17.2.9.2 Equipment Issue, Squad Pictures.** *No limitations.*

**F. Bylaws:** Amend 17.3, as follows:

[Roll Call]

**17.3 BADMINTON, WOMEN'S.** *Regulations for computing the badminton playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figures 17-1 and 17-2.)*

**17.3.1 Length of Playing Season.** *The length of an institution's playing season in badminton shall be limited to a 144-day season which may consist of two segments (each consisting of consecutive days) and exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

**17.3.2 Preseason Practice.** *A member institution shall not commence practice sessions in badminton before September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

**17.3.3 First Date of Competition.** *A member institution shall not engage in its first date of competition (game or scrimmage) with outside competition in badminton before September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

**17.3.4 End of Regular Season.** A member institution shall conclude all practice and competition (meets and practice meets) in each segment in badminton by the conclusion of the national governing body championship in badminton.

**17.3.5 Number of Dates of Competition.**

**17.3.5.1 Maximum Limitations — Institutional.** A member institution shall limit its total playing schedule with outside competition in badminton during the institution's badminton playing season to 15 dates of competition (games and scrimmages) (including not more than three tournaments that are counted as single dates of competition), except for those dates of competition excluded under Bylaws 17.3.5.3 and 17.3.5.4.

**17.3.5.1.1 In-Season Foreign Competition.** A member institution may engage in one or more of its countable dates of competition in badminton in one or more foreign countries on one trip during the prescribed playing season. However, except for competition in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.

**17.3.5.2 Maximum Limitations — Student-Athlete.** An individual student-athlete may participate in each academic year in 15 dates of competition in badminton (including not more than three tournaments that are counted as single dates of competition) this limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

**17.3.5.3 Annual Exemptions.** The maximum number of dates of competition in badminton shall exclude the following:

- (a) Conference Championship. Competition in one conference meet in badminton;
- (b) National Governing Body Championship. Competition in the badminton national governing body championship;
- (c) Alumni Meet. One date of competition each year with an alumni team of the institution;
- (d) Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;
- (e) Hawaii, Alaska, Puerto Rico. Any days of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;

(f) **Fundraising Activity.** Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and

(g) **Celebrity Sports Activity.** Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in badminton conducted for the purpose of raising funds for charitable organizations, provided:

- (1) The student-athletes do not miss classes as a result of the participation; and
- (2) The involvement of the student-athletes has the approval of the institution's athletics director.

**17.3.5.4 Once-in-Four-Years Exemption — Foreign Tours.** The dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).

**17.3.6 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season in accordance with Bylaw 17.3.1, except as permitted in Bylaws 17.1.6.2 and 17.1.6.2.1.

**17.3.6.1 Summer Practice.** Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in his or her sport.

**17.3.6.1.1 Summer-Workout Sessions.** A coach may participate in individual-workout sessions with student-athletes from the coach's team during the summer, provided the request for such assistance is initiated by the student-athlete.

**17.3.7 Camps and Clinics.** There are no limits on the number of student-athletes in badminton who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.

**17.3.8 Other Restrictions.**

**17.3.8.1 Noncollegiate, Amateur Competition.**

**17.3.8.1.1 In Season.** A student-athlete shall be denied eligibility for intercollegiate competition for the remainder of the season in badminton if, after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate squad or team, she competes or has competed as a member of an outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) during the institution's intercollegiate season (see Bylaw 14.7.5 for exceptions and waivers).

**17.3.8.1.2 Out of Season.** There are no limits on the number of student-athletes from the same member institution with eligibility remaining who may practice or compete out of season on an outside amateur team.

**17.3.8.1.2.1 Involvement of Coaching Staff.** No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's team except as provided under Bylaws 14.7.5, 16.8.1.3.1 and 17.32.

**17.3.8.1.2.2 Olympic and National Team Development Program.** There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.

**17.3.8.2 Equipment Issue, Squad Pictures.** No limitations.

**G. Bylaws:** Amend 17.24, as follows:

[Roll Call]

**17.24 SYNCHRONIZED SWIMMING, WOMEN'S.** Regulations for computing the synchronized swimming playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figures 17-1 and 17-2.)

**17.24.1 Length of Playing Season.** The length of an institution's playing season in synchronized swimming shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required days off per Bylaw 17.1.6.4 and offi-

cial vacation, holiday and final-examination periods during which no practice or competition shall occur.

**17.24.2 Preseason Practice.** A member institution shall not commence practice sessions in synchronized swimming before September 7 or the institution's first day of classes, whichever is earlier.

**17.24.3 First Contest Date.** A member institution shall not play its first contest (game or scrimmage) with outside competition in synchronized swimming before September 7 or the institution's first day of classes, whichever is earlier.

**17.24.4 End of Regular Playing Season.** A member institution shall conclude all practice and competition (games and scrimmages) in synchronized swimming by the last day of final exams for the regular academic year at the institution.

**17.24.5 Number of Dates of Competition.**

**17.24.5.1 Maximum Limitations — Institutional.** A member institution shall limit its total playing schedule with outside competition in synchronized swimming during the institution's synchronized swimming playing season to 15 dates of competition (meets and scrimmages), except for those dates of competition excluded under Bylaws 17.24.5.3 and 17.24.5.4.

**17.24.5.1.1 In-Season Foreign Competition.** A member institution may engage in one or more of its countable dates of competition in synchronized swimming in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.

**17.24.5.2 Maximum Limitations — Student-Athlete.** An individual student-athlete may participate in each academic year in 15 dates of competition in synchronized swimming. This limitation includes those dates of competition in which the student represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.

**17.24.5.3 Annual Exemptions.** The maximum number of dates of competition in synchronized swimming shall exclude the following:

- (a) Conference Championship. Competition in one conference meet in synchronized swimming;
- (b) National Governing Body Championship. Competition in the synchronized swimming national governing body championship;
- (c) Alumni Meet. One date of competition each year with an alumnae team of the institution;

- (d) Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;
- (e) Hawaii, Alaska, Puerto Rico. Any days of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;
- (f) Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and
- (g) Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in synchronized swimming conducted for the purpose of raising funds for charitable organizations, provided:
  - (1) The student-athletes do not miss classes as a result of the participation; and
  - (2) The involvement of the student-athletes has the approval of the institution's athletics director.

**17.24.5.4 Once-in-Four-Years Exemptions — Foreign Tours.** The dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).

**17.24.6 Out-of-Season Athletically Related Activities.** Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the institution's declared playing season per Bylaw 17.24.1, except as permitted in Bylaws 17.1.6.2, 17.1.6.2.1 and 17.1.6.2.2.

**17.24.6.1 Summer Practice.** Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in his or her sport.

**17.24.7 Safety Exception.** A coach may be present during voluntary individual workouts in the institution's regular

practice facility (without the workouts being considered as countable athletically related activities) when the student-athlete is engaged in synchronized swimming. The coach may provide safety or skill instruction but cannot conduct the individual's workouts.

**17.24.8 Camps and Clinics.** There are no limits on the number of student-athletes in synchronized swimming who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.

#### **17.24.9 Other Restrictions.**

##### **17.24.9.1 Noncollegiate, Amateur Competition.**

**17.24.9.1.1 In Season.** A student-athlete shall be denied eligibility for intercollegiate competition for the remainder of the season in synchronized swimming if, after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate squad or team, she competes or has competed as a member of any outside team in any noncollegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) during the institution's intercollegiate season (see Bylaw 14.7.5 for exceptions and waivers).

**17.24.9.1.2 Out of Season.** There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate synchronized swimming who may practice or compete out of season on an outside, amateur synchronized swimming team.

**17.24.9.1.2.1 Involvement of Coaching Staff.** No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's synchronized swimming team except as provided under Bylaws 14.7.5, 16.8.1.3.1 and 17.32.

**17.24.9.1.2.2 Olympic and National Team Development Program.** There are no limits on the number of student-athletes from the same institution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.

**17.24.9.2 Equipment Issue, Squad Pictures.** No limitations.

**H. Bylaws:** Amend 17.25, as follows:

[Roll Call]

**17.25 TEAM HANDBALL.** *Regulations for computing the team handball playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figures 17-1 and 17-2.)*

**17.25.1 Length of Playing Season.** *The length of an institution's playing season in team handball shall be limited to a 132-day season, which may consist of two segments (each consisting of consecutive days) and which may exclude only required off days per Bylaw 17.1.6.4 and official vacation, holiday and final-examination periods during which no practice or competition shall occur.*

**17.25.2 Preseason Practice.** *A member institution shall not commence practice sessions in team handball before September 7 or the institution's first day of classes for the fall term, whichever is earlier.*

**17.25.3 First Contest Date.** *A member institution shall not play its first contest (game or scrimmage) with outside competition in team handball before September 7 or the institution's first day of classes, whichever is earlier.*

**17.25.4 End of Regular Playing Season.** *A member institution shall conclude all practice and competition (games and scrimmages) in team handball by the conclusion of the national governing body team handball championship.*

**17.25.5 Number of Dates of Competition.**

**17.25.5.1 Maximum Limitations — Institutional.** *A member institution shall limit its total playing schedule with outside competition in team handball during the institution's playing season to 20 dates of competition (meets and scrimmages) (including not more than three tournaments that are counted as single dates of competition), except for those contests excluded under Bylaws 17.25.5.3 and 17.25.5.4.*

**17.25.5.1.1 In-Season Foreign Competition.** *A member institution may engage in one or more of its countable dates of competition in team handball in one or more foreign countries on one trip during the prescribed playing season. However, except for contests played in Canada and Mexico or on a certified foreign tour (see Bylaw 17.32), the institution may not engage in such in-season foreign competition more than once every four years.*

**17.25.5.2 Maximum Limitations — Student-Athlete.** *An individual student-athlete may participate in each academic year in 20 dates of competition in team handball including not more than three tournaments that are counted as single dates of competition. This limitation includes those dates of competition in which the student*

*represents the institution in accordance with Bylaw 17.02.8, including competition as a member of the varsity, junior varsity or freshman team of the institution.*

**17.25.5.3 Annual Exemptions.** *The maximum number of dates of competition in team handball shall exclude the following:*

- (a) *Conference Championship. Competition in one conference meet in team handball;*
- (b) *National Governing Body Championship. Competition in the team handball national governing body championship;*
- (c) *Alumni Meet. One date of competition each year with an alumnae team of the institution;*
- (d) *Foreign Team in U.S. One date of competition each year with a foreign opponent in the United States;*
- (e) *Hawaii, Alaska, Puerto Rico. Any days of competition in Hawaii, Alaska or Puerto Rico, respectively, either against or under the sponsorship of an active member institution located in Hawaii, Alaska or Puerto Rico, by a member located outside the area in question;*
- (f) *Fundraising Activity. Any activities in which student-athletes from more than one of the institution's athletics teams participate with and against alumni and friends of the institution, the purpose of which is to raise funds for the benefit of the institution's athletics or other programs, provided the student-athletes do not miss classes as a result of their participation (see Bylaw 12.5.1.1); and*
- (g) *Celebrity Sports Activity. Competition involving a limit of two student-athletes from a member institution's team who participate in local celebrity activities in team handball conducted for the purpose of raising funds for charitable organizations, provided:
  - (1) *The student-athletes do not miss classes as a result of the participation; and*
  - (2) *The involvement of the student-athletes has the approval of the institution's athletics director.**

**17.25.5.4 Once-in-Four-Years Exemptions - Foreign Tours.** *The dates of competition on a foreign tour, provided the tour occurs only once in a four-year period and is conducted by the member institution in accordance with the procedures set forth in Bylaw 30.7 (see Bylaw 17.32).*

**17.25.6 Out-of-Season Athletically Related Activities.** *Student-athletes and members of the coaching staff shall not engage in countable athletically related activities outside the*

*institution's declared playing season per Bylaw 17.25.1, except as permitted in Bylaws 17.1.6.2, 17.1.6.2.1 and 17.1.6.2.2.*

*17.25.6.1 Summer Practice. Practice that is organized or financially supported by a member institution shall be prohibited during the summer unless specifically authorized in the bylaws (e.g., foreign tour) or through official interpretations approved by the Management Council. An institution may pay fees associated with the use of institutional practice and competition facilities by student-athletes engaged in voluntary athletically related activities in his or her sport.*

*17.25.7 Camps and Clinics. There are no limits on the number of student-athletes in team handball who may be employed (e.g., as counselors) in camps or clinics (see Bylaw 13.12). Currently enrolled student-athletes may not participate as campers in their institution's camps or clinics.*

*17.25.8 Other Restrictions.*

*17.25.8.1 Noncollegiate, Amateur Competition.*

*17.25.8.1.1 In Season. A student-athlete shall be denied eligibility for intercollegiate competition for the remainder of the season in team handball if, after enrollment in college and during any year in which the student-athlete is a member of an intercollegiate squad or team, she competes or has competed as a member of any outside team in any non-collegiate, amateur competition (e.g., team invitational meet, exhibition meets or other activity) during the institution's intercollegiate season (see Bylaw 14.7.5 for exceptions and waivers).*

*17.25.8.1.2 Out of Season. There are no limits on the number of student-athletes from the same member institution with eligibility remaining in intercollegiate team handball who may practice or compete out of season on an outside, amateur team handball team.*

*17.25.8.1.2.1 Involvement of Coaching Staff. No member of the coaching staff of a member institution may be involved in any capacity (e.g., coach, official, player or league/team administrator) during the academic year (including vacation periods during the academic year) with an outside team that involves any student-athlete with eligibility remaining from the institution's handball team except as provided under Bylaws 14.7.5, 16.8.1.3.1 and 17.32.*

*17.25.8.1.2.2 Olympic and National Team Development Program. There are no limits on the number of student-athletes from the same insti-*

*tution who may participate in Olympic and national team development programs. Such programs may also include a coach and student-athlete from the same institution.*

*17.25.8.2 Equipment Issue, Squad Pictures. No limitations.*

**I. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

20.02.6 Emerging Sports for Women. The following shall be considered emerging sports for women:

(a) Team Sports: team handball, rugby, **sand volleyball** and synchronized swimming; and

[20.02.6-(b) unchanged.]

[Remainder of 20.02.6 unchanged.]

**J. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

20.02.6 Emerging Sports for Women. The following shall be considered emerging sports for women:

(a) Team Sports: *team handball, rugby and synchronized swimming*; and

(b) Individual Sports: *archery, badminton, equestrian and squash.*

[Remainder of 20.02.6 unchanged.]

**K. Bylaws:** Amend 20.10.3.5, as follows:

[Roll Call]

20.10.3.5 Minimum Contests and Participants Requirements for Sports Sponsorship. In each sport, the institution's team shall engage in at least a minimum number of intercollegiate contests (against four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contest requirement. The following minimums are applicable:

Team Sports	Minimum Contests	Individual Sports	Minimum Contests	Minimum Participants
Baseball	24	Women's Archery	5	5
Basketball	22	Women's Badminton	8	6
Field Hockey	10	Women's Bowling	8	5
Football	8	Cross Country	5	5
Men's Ice Hockey	20	Equestrian	6	12
Women's Ice Hockey	20	Men's Fencing	6	5
Lacrosse	8	Women's Fencing	6	5
Women's Rowing	6	Golf	6	5

Women's Rugby	9	Men's Gymnastics	6	6
Soccer	10	Women's Gymnastics	6	5
Softball	24	Rifle	8	4
<i>Women's Synchronized Swimming</i>	<i>8</i>	<i>Women's Gymnastics</i>	<i>6</i>	<i>5</i>
<i>Women's Team Handball</i>	<i>10</i>	<i>Skiing</i>	<i>5</i>	<i>5</i>
Volleyball	9	Women's Squash	8	9
Men's Water Polo	15	Swimming and Diving	8	11
Women's Water Polo	10	Tennis	10	5
Track and Field, Indoor	4		10	
Track and Field, Outdoor	4		14	
Wrestling	12		7	

(Note: The minimum-contest requirements set forth in Bylaws 20.10.3.5.1 through 20.10.3.5.8 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaws 14 and 17.)

[Remainder of 20.10.3.5 unchanged.]

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Women's Athletics)].

**Effective Date:** August 1, 2009, for the removal of archery, badminton, synchronized swimming and team handball; August 1, 2010, for the addition of sand volleyball.

**Rationale:** There is wide-spread support for sand volleyball to be added as an emerging sport for women, including support from institutions and governing bodies. Data indicates that over 200,000 females ages six to 17 play sand volleyball and over 60 percent play only sand volleyball. Also, there were over 40 teams from NCAA institutions competing in sand volleyball tournaments in spring 2008. It is expected that the addition of sand volleyball will produce a significant increase in participation opportunities for women. The delayed effective date for sand volleyball will provide the divisions time to develop the necessary regulations. NCAA regulations require that emerging sports gain championship status within 10 years or show steady progress toward that goal. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal sponsorship growth over the past 14 years. In July 2007, the institutions, conferences and national governing bodies supporting these four sports were notified that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would result in a recommendation for their removal from

the list. None of the four sports were able to meet this requirement.

#### **\*NO. 2009-6 (NO. 2-12) DIVISION MEMBERSHIP AND COMMITTEES — AUDIT OF MEMBERSHIP REQUIREMENTS**

**Intent:** To specify that the Membership Committee shall have the authority to conduct an audit of an institution's fulfillment of membership requirements if the institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period and that the committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation; further, to specify that the committee may impose conditions or penalties that an institution must satisfy during the probationary period.

**A. Bylaws:** Amend 20.10, as follows:

[Roll Call]

##### 20.10 MEMBERSHIP REQUIREMENTS

[20.10 through 20.10.4.9 unchanged.]

**20.10.5 Audit of Membership Requirements.** If a member institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period, the Membership Committee shall have the authority to conduct an audit of the institution's fulfillment of membership requirements (see Bylaw 21.8.6.7.2). The committee shall only audit the institution's fulfillment of membership requirements for which the institution has been placed on probation. The committee may impose conditions or penalties that an institution must satisfy during the probationary period.

**B. Bylaws:** Amend 21.8.6.7.2, as follows:

[Roll Call]

##### 21.8.6.7.2 Duties.

- The committee shall:
- (a) Review and consider issues pertaining to the Division II membership requirements and membership compliance pursuant to Constitution 3 and Bylaw 20; and
  - (b) Handle Convention tasks related to Division II business, which include examining the credentials of Division II delegates, determining (subject to appeal of the Division II membership) the authority of any Division II delegate to vote or otherwise represent a member institution at an annual or special Convention; and
  - (c) **Have the authority to conduct an audit of an institution's fulfillment of membership requirements if the institution is placed on probation for failure to fulfill more than one membership requirement during a 10-year period. (See Bylaw 20.10.5.)**

**Source:** NCAA Division II Presidents Council [Management Council (Membership Committee)].

**Effective Date:** August 1, 2009

**Rationale:** Under current legislation, an institution is placed on probation if certain conditions and obligations of membership have not been satisfied (e.g., sports sponsorship, completion of the self-study report). If the institution fails to meet that same requirement within 10 years of being placed on probation, the institution shall be placed in restricted membership status. However, an institution may be on probation in each of the membership requirement areas concurrently with no negative effect. This proposal would allow the Membership Committee to conduct an audit if an institution fails to satisfy a membership requirement after the institution has been placed on probation in a different membership requirement area during a 10-year period. If an institution is put on probation in more than one membership requirement area within a 10-year period, the institution should be subject to an audit in order to review whether the institution can continue to meet membership requirements. The Membership Committee will also have the authority to impose penalties to focus on the institution's weaknesses detected in the audit. An audit will help ensure that current Division II members will satisfy the minimum requirements. Finally, the audit should be a legislated duty for the committee.

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## RECRUITING

**NO. 2009-7 (NO. 2-3) RECRUITING — LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS — TRANSCRIPT PRIOR TO NATIONAL LETTER OF INTENT OR WRITTEN OFFER OF ATHLETICALLY RELATED FINANCIAL AID**

**Intent:** To specify that an institution shall not provide a high school, preparatory school, two-year or four-year college prospective student-athlete with a National Letter of Intent or written offer of athletically related financial aid until the prospective student-athlete presents the institution with a current high school, preparatory school or college transcript (official or unofficial).

**Bylaws:** Amend 13.9, as follows:

13.9 LETTER-OF-INTENT PROGRAMS, FINANCIAL AID AGREEMENTS

[13.9.1 unchanged.]

**13.9.2 Transcript Prior to National Letter of Intent or Written Offer of Athletically Related Financial Aid.**  
An institution shall not provide a high school, preparatory school, two-year or four-year college

prospective student-athlete with a National Letter of Intent or written offer of athletically related financial aid until the prospective student-athlete presents the institution with a current high school, preparatory school or college transcript (official or unofficial).

[13.9.2 through 13.9.3 renumbered as 13.9.3 through 13.9.4, unchanged.]

**Source:** NCAA Division II Presidents Council [Management Council (Academic Requirements Committee)].

**Effective Date:** August 1, 2009, for written offers of athletically related financial aid signed by a prospective student-athlete on or after August 1, 2009.

**Rationale:** Prospective student-athletes are best served by early notification of their academic status for purposes of NCAA eligibility. Encouraging early submission of transcripts to the institution will provide for an earlier academic analysis, which is a vital step in determining a prospective student-athlete's preliminary initial-eligibility status or academic transfer status, and readiness for collegiate academic work. Late submission of transcripts to institutions can lead to an inability to advise student-athletes regarding academic deficiencies in a timely fashion. Specifically, this proposal requires high school, preparatory school, two-year and four-year prospective student-athletes to provide the institution with a transcript prior to a National Letter of Intent or written offer of athletically related financial aid.

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## ELIGIBILITY

**\*NO. 2009-8 (NO. 2-5) ELIGIBILITY — HARDSHIP WAIVER — PERCENTAGE CALCULATION**

**Intent:** To specify that a student-athlete's eligibility for a hardship waiver may be determined by the number of the institution's completed contests or dates of competition or the maximum permissible number of contests or dates of competition set forth in Bylaw 17 for the applicable sport; further, to eliminate the provision that a conference championship shall be counted as one contest or date of competition in determining the institution's completed contests or dates of competition in that sport, regardless of the number of days or games involved in the championship.

**Bylaws:** Amend 14.2.5, as follows:

[Roll Call]

**14.2.5 Hardship Waiver.** A student-athlete may be granted an additional year of competition by the conference or the Committee on Student-Athlete Reinstatement for reasons of "hardship." Hardship is defined as an incapacity resulting from an injury or illness that has occurred under all of the following conditions:

[14.2.5-(a) through 14.2.5-(b) unchanged.]

- (c) The injury or illness occurs when the student-athlete has not participated in more than two contests or dates of competition (whichever is applicable to that sport), or 20 percent (*whichever number is greater*) of the institution's *scheduled or completed contests or dates of competition or 20 percent of the maximum permissible number of contests or dates of competition set forth in Bylaw 17* in his or her sport. *Only scheduled or completed competition* (excluding scrimmages and exhibition contests per Bylaw 17 in the applicable sport) against outside participants during the playing season that concludes with the NCAA championship, or, if so designated, during the official NCAA championship playing season in that sport (e.g., spring baseball, fall soccer), shall be countable under this limitation *in calculating both the number of contests or dates of competition in which the student-athlete has participated and the number of scheduled or completed contests or dates of competition during that season in the sport.*

[14.2.5.1 through 14.2.5.2.2 unchanged.]

14.2.5.2.3 Percent Calculation. The following requirements are to be met in determining the percent calculation under this waiver provision: (Note: The percent calculation requirements set forth in Bylaws 14.2.5-(c) and 14.2.5.2.3 apply only to the waiver provisions of this section and do not apply to the maximum- and minimum-contests requirements in Bylaw 20.)

14.2.5.2.3.1 Denominator in Percent Computation. The denominator in the *institution's* percent calculation shall be based on the institution's number of *scheduled or completed varsity contests or dates of competition [see Bylaw 14.2.5-(c)] as computed for playing and practice season purposes in Bylaw 17 for the applicable sport or the maximum number of contests or dates of competition set forth in Bylaw 17 for the applicable sport. Exempted If the number of completed contests or dates of competition is used, exempted* events in Bylaw 17 are included in the percent calculation, except for discretionary exemptions in the applicable sport.

[14.2.5.2.3.2 unchanged.]

14.2.5.2.3.3 Conference Championships NCAA Postseason Competition. A conference championship shall be counted as one contest or date of competition in determining the institution's *scheduled or completed contests or dates of competition in that sport, regardless of the number of days or games involved in the championship. However, fFor purposes of the percent calculation, this regula-*

*tion, the calculation of scheduled contests or dates of competition in a particular season does not include postseason competition conducted after the completion of the institution's regular-season schedule and conference tournament **shall not be included.***

[Remainder of 14.2.5 unchanged.]

**Source:** Lone Star Conference and Mid-America Intercollegiate Athletics Association

**Effective Date:** August 1, 2009

**Rationale:** By permitting institutions to use 20 percent of the contests or dates of competition limits set forth in Bylaw 17 for the applicable sport, the proposal accommodates student-athlete well-being by allowing a comparable denominator for all student-athletes, regardless of the institution's scheduling patterns. Because of conference, budgetary, philosophical and/or geographical constraints, Division II institutions currently schedule different numbers of contests or dates of competition. Since the student-athletes have no role in scheduling, this creates inequitable treatment of student-athletes from institution to institution. Further, since the scheduling practices of some institutions are incumbent on conference scheduling policies, even institutions cannot completely control the amount of scheduled contests. By still allowing the institution to use in the percent calculation the institution's completed contests or dates of competition, the proposal enables the use of the "best possible" denominator for student-athletes from institutions that complete more contests than the limits set forth in Bylaw 17 (e.g., the institution completes additional contests due to participation in a conference championship, in the Division II Tip-Off Classic in basketball, in contests played in Hawaii, Alaska or Puerto Rico). Further, allowing all contests in a conference championship to be counted only further accommodates student-athlete well being.

**Committee Position** (Presidents Council, Management Council and Committee on Student-Athlete Reinstatement): The Councils and the committee agreed to take no position on this proposal.

**NO. 2009-9 (NO. 2-6) ELIGIBILITY — SEASON-OF-COMPETITION WAIVER — COMPETITION WHILE ELIGIBLE — DOCUMENTED COACH'S MISUNDERSTANDING — PENALTY**

**Intent:** To specify that a student-athlete who is granted an additional season of competition due to a coach's documented misunderstanding of the legislation shall be withheld from two contests of intercollegiate competition for each contest in which he or she competed.

**Bylaws:** Amend 14.2.7.1.2, as follows:

14.2.7.1.2 Extenuating Circumstances. Extenuating circumstances include, but are not limited to, the following:

[14.2.7.1.2-(a) through 14.2.7.1.2-(c) unchanged.]

(d) The student-athlete participated in nonregular-season competition (e.g., alumni contest, exhibition contests, scrimmages, nonchampionship segment contests) due to a coach's documented misunderstanding of the legislation.

**14.2.7.1.2.1 Penalty.** A student-athlete who is granted a waiver pursuant to Bylaw 14.2.7.1.2-(d) shall be withheld from two contests of intercollegiate competition for each contest in which he or she competed.

**Source:** NCAA Division II Presidents Council [Management Council (Committee on Student-Athlete Reinstatement)].

**Effective Date:** August 1, 2009

**Rationale:** In the case of a coach's documented misunderstanding of the legislation, the student-athlete triggers the use of a season of competition based on a circumstance within the control of the institution. In order to account for the institutional responsibility in this circumstance and to deter abuse of the legislation, a two-for-one withholding condition should be applied when waivers are granted based on the documented coach's misunderstanding of the legislation. Since a violation is not assessed in this circumstance, the only way to hold an institution accountable for the misunderstanding is to impose a withholding condition on the student-athlete. This legislative amendment will bring consistency to the season-of-competition waiver legislation for both Divisions I and II.

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## PLAYING AND PRACTICE SEASONS

**NO. 2009-10 (NO. 2-8) PLAYING AND PRACTICE SEASONS — GENERAL PLAYING-SEASON REGULATIONS — TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES — WEEKLY HOUR LIMITATIONS — OUTSIDE OF PLAYING SEASON — EXCEPTION — ALTERNATE PLAYING SEASON — GOLF AND TENNIS**

**Intent:** In golf and tennis, to specify that an institution that conducts its championship segment during the fall term must discontinue practice at the conclusion of its nonchampionship segment (designated 45- or 60-consecutive calendar day period); further, to specify that such a team may resume practice the day following the conclusion of the institution's final examination period for the applicable academic term or 10-consecutive calendar

days before the start of the championship, whichever is earlier, provided the institution has reasonable belief that it is under consideration for selection to participate in an NCAA, NCCAA or NAIA championship event.

**A. Bylaws:** Amend 17.1.6.2, as follows:

17.1.6.2 Weekly Hour Limitations — Outside of Playing Season. Outside of the playing season during the academic year, only a student-athlete's participation in weight-training, conditioning, individual skill instruction and, in football, review of game film shall be permitted. A student-athlete's participation in such activities shall be limited to a maximum of eight hours per week, of which not more than two hours per week may be spent on individual skill workouts set forth in Bylaw 17.1.6.2.1 and, in football, review of game film. All countable athletically related activities outside the playing season are prohibited one week prior to the beginning of the final examination period through the conclusion of the institution's final examinations. Participation in voluntary workouts monitored by strength and conditioning personnel for safety purposes per Bylaw 17.02.1.1 shall not count against the weekly hour limitation.

[17.1.6.2.1 through 17.1.6.2.3 unchanged.]

**17.1.6.2.4 Exception — Alternate Playing Season — Golf and Tennis.** In golf and tennis, an institution that conducts its championship segment during the fall term must discontinue practice at the conclusion of its nonchampionship segment (designated 45- or 60-consecutive calendar day period). Such a team may resume practice the day following the conclusion of the institution's final examination period for the applicable academic term or 10-consecutive calendar days before the start of the championship, whichever is earlier, provided the institution has reasonable belief that it is under consideration for selection to participate in an NCAA, NCCAA or NAIA championship event. (See Bylaws 17.12.5.1 and 17.26.5.1.)

**B. Bylaws:** Amend 17.1.7, as follows:

17.1.7 General Regulations for Computing Playing Seasons Applicable to All Sports.

[17.1.7-(a) through 17.1.7-(b) unchanged.]

(c) **NCAA Championships Participation in Individual Sports.** Only appropriate squad members considered necessary for effective practice by the individual(s) preparing for the NCAA championships may continue to practice without counting such practice against the institution's declared playing-season limitation. See Bylaw 17.1.6.2.4 for application to alternate playing seasons in golf and tennis;

[Remainder of 17.1.7 unchanged.]

**Source:** NCAA Division II Presidents Council [Management Council (Legislation Committee)].

**Effective Date:** Immediate.

**Rationale:** Under current legislation, an institution that conducts its championship segment for golf or tennis during the fall must conclude the nonchampionship (spring) segment and cease all countable athletically related activities beginning seven days prior to the institution's final examination period through the end of the final examination period, even if the team is under consideration for participation in a postseason championship. Further, countable athletically related activities are not permissible during the summer vacation period. Such restrictions place teams that use the alternate playing season that may have an opportunity to participate in the championship at a competitive disadvantage and can present a student-athlete well-being concern if there is an extended period without practice and conditioning before the championship begins. This proposal provides for competitive equity and student-athlete well-being without unnecessarily compromising the legislation protecting student-athletes' time to study and prepare for final examinations. An immediate effective date will permit institutions to take advantage of the amendment during the 2009 spring golf and tennis championships.

**\*NO. 2009-11 (NO. 2-9) PLAYING AND PRACTICE SEASONS — TIME LIMITS FOR ATHLETICALLY RELATED ACTIVITIES — INSTITUTIONAL VACATION PERIOD — STRENGTH AND CONDITIONING PERSONNEL DESIGNING AND CONDUCTING WORKOUT PROGRAMS**

**Intent:** To specify that outside the playing season during the summer, strength and conditioning personnel who perform such duties for all of the institution's intercollegiate teams may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.

**Bylaws:** Amend 17.1.6.2.3, as follows:

[Roll Call]

17.1.6.2.3 Institutional Vacation Period. A student-athlete may not participate in any countable athletically related activities outside the playing season during any institutional vacation period (e.g., summer, academic year). **During the summer, strength and conditioning personnel who perform such duties for all of the institution's intercollegiate teams may design and conduct specific workout programs for student-athletes, provided such workouts are voluntary and conducted at the request of the student-athlete.**

**Source:** Lone Star Conference and Mid-America Intercollegiate Athletics Association

**Effective Date:** Immediate.

**Rationale:** Current legislation specifies that strength and conditioning personnel, including a coaching staff member if he or she performs such duties for all intercollegiate teams, may monitor voluntary individual workouts for safety purposes without considering such supervision as a countable athletically related activity. Therefore, strength and conditioning personnel are precluded from conducting workout programs during the summer, because "to conduct" is different than "to monitor." This proposal would allow strength and conditioning personnel to design and conduct specific workout programs for student-athletes as they do during the academic year, provided such workouts are voluntary and at the request of the student-athlete. This proposal also promotes student-athlete well-being by allowing conditioning programs to occur in a safe and controlled environment and by allowing strength and conditioning personnel to work more closely with student-athletes, rather than only stepping in during voluntary workouts if there is a safety issue. The immediate effective date will allow strength and conditioning personnel to design and conduct specific workout programs for student-athletes during the 2009 summer.

**Committee Position** [Presidents Council, Management Council, Legislation Committee and Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS):] The Presidents Council agreed to oppose this proposal. The Presidents Council noted the need to preserve the balance between academics and athletics. The Presidents Council further noted that current legislation already provides safeguards to ensure that voluntary individual workouts occur in a safe and controlled environment by allowing strength and conditioning personnel to monitor these workouts. CSMAS agreed to oppose this proposal. CSMAS expressed concerns with the lack of proper safety personnel in place during the workout programs to assure safety of the student-athletes. For example, CSMAS noted that many institutional sports medicine staff in Division II are on nine or 10 month contracts and do not work in the summer. CSMAS also noted that the proposal does not require any institutional staff members with cardiopulmonary resuscitation (CPR) and/or first aid certification be present during these workouts. CSMAS further noted that medical emergencies that can be triggered by exertion (including cardiac arrest, heat illness and exertional sickling in athletes with sickle cell trait) require immediate intervention. Finally, CSMAS noted that if a coach is considered the strength and conditioning coach for all teams and is conducting a voluntary workout with members of his or her athletics team, the term "voluntary" becomes questionable. The Management Council and the Legislation Committee agreed to take no position on this proposal.

**\*NO. 2009-12 (NO. 2-10) PLAYING AND PRACTICE SEASONS — BASKETBALL — FIRST CONTEST**

**Intent:** In basketball, to specify that a member institution shall not play its first contest (game or scrimmage) with outside competition prior to the second Friday of November.

**Bylaws:** Amend 17.5.3, as follows:

[Roll Call]

17.5.3 First Contest. A member institution shall not play its first contest (game or scrimmage) with outside competition in basketball *before prior to the second Friday of November 15*, except as provided under Bylaw 17.5.3.1.

**Source:** Mid-America Intercollegiate Athletics Association and Peach Belt Conference

**Effective Date:** August 1, 2009

**Rationale:** Currently, an institution shall not play its first contest against outside competition prior to November 15, aside from exceptions outlined in Bylaw 17.5.3.1. This proposal does not change that date substantially; however, it allows an institution to schedule its first contest on a weekend night. This proposal will not allow an institution to compete earlier than what is allowed under current legislation as most Division II basketball teams compete in exempted contests on or soon after November 1. The proposal will only change the date for the first permissible “countable” contest. This change will also provide a benefit to student-athletes as no season-opening games or events will take place during the week and teams can also schedule “countable” games earlier in the season to provide flexibility for conference playing dates that occur during final examination periods. Further, this change is easy to administer as all schools can easily determine when the second Friday of November is and coaches can better schedule knowing the season starts on a weekend every year. Finally, this will likely result in all Division II basketball teams officially starting their season on the same day.

**Committee Position** (Presidents Council, Management Council and Legislation Committee): The Councils and the committee agreed to oppose this proposal. The Councils and the committee noted that the proposed amendment increases the length of the regular playing season, while shortening the length of the pre-season practice period. The Councils and the committee also noted that the proposal could lead to season/sport overlap during the championship segments. The Councils and the committee further noted that some institutions prefer to have more campus engagements on weekdays rather than weekends because there are more campus personnel and students available to attend contests during the week.

**\*NO. 2009-13 (NO. 2-11) PLAYING AND PRACTICE SEASONS — BASKETBALL — NUMBER OF CONTESTS — ONCE-IN-THREE-YEARS EXEMPTION — CONFERENCE CHALLENGE EVENT**

**Intent:** In basketball, to permit an institution, once every three years, to exempt from the maximum contest limitations a maximum of two contests played as part of a conference challenge event; further, to define a conference challenge event, as specified.

**Bylaws:** Amend 17.5.5, as follows:

[Roll Call]

17.5.5 Number of Contests.

[17.5.5.1 through 17.5.5.4.1 unchanged.]

**17.5.5.5 Once-in-Three-Years Exemption — Conference Challenge Event.** Once every three years, an institution may exempt a maximum of two contests played as part of a conference challenge event.

**17.5.5.5.1 Conference Challenge Event.** A conference challenge event is one in which:

- (a) Two or more conferences from the same region organize contests between their members;
- (b) Contests occur on the weekend immediately after the first permissible contest date; and
- (c) Competition may occur at one or more sites.

[17.5.5.5 through 17.5.5.6 renumbered as 17.5.5.6 through 17.5.5.7, unchanged.]

**Source:** Mid-America Intercollegiate Athletics Association and Peach Belt Conference

**Effective Date:** August 1, 2009

**Rationale:** The first weekend of the season should be designated to allow conferences to organize in-region conference challenge events at one or more sites with the incentive that not more than two contests played as a part of such events could be exempted once every three years. Division II institutions are required to participate in a minimum number of contests against Division II opponents and a minimum number of contests against in-region opponents. Further, institutions are encouraged to participate in as many in-region contests as possible in order to further the regionalization philosophy. This exemption creates an incentive for institutions to participate in early season in-region contests in order to meet these goals, while allowing them to maintain home contests against NAIA, Division III and other Division II opponents prior to the start of conference

season. Contests played in accordance with this exemption must be part of an overall multi-team conference “challenge” event, must be played the first weekend of the season and must be considered in-region contests.

**Committee Position** (Presidents Council, Management Council and Legislation Committee): The Councils and the committee agreed to take no position on this proposal.

## **2009 NCAA CONVENTION DIVISION II VOTING RESULTS**

(Saturday, January 17, Business Session)

<b>Proposal No.</b>	<b>BUSINESS SESSION</b>	<b>RESULT</b>	<b>COUNT (actual count or paddle)</b>
#1	II	Adopted	Paddle
#2	II	Adopted	Paddle
#3	II	Adopted	Paddle
*4	II	Adopted	271-3-1
5	II	Adopted	249-13-13
6	II	Adopted	269-6-0
7	II	Adopted	Paddle
8	II	Adopted	265-9-0
9	II	Defeated	Paddle
*10	II	Adopted	Paddle
*11	II	Defeated	119-153-3
12	II	Defeated	131-142-0
13	II	Adopted	164-105-4

\* Effective Immediately.

# Adopted as part of Consent Package.7

**Surname**

	Proposal NO. 2009-04 (NO. 2-1)	Proposal NO. 2009-05 (NO. 2-4)	Proposal NO. 2009-06 (NO. 2-12)	Proposal NO. 2009-8 (NO. 2-5)	Proposal NO. 2009-11 (NO. 2-9) - Immediate effect	Proposal NO. 2009-11 (NO. 2-9 )	Proposal NO. 2009-12 (NO. 2-10)	Proposal NO. 2009-13 (NO. 2-11)
Abilene Christian University	Y	Y	Y	Y	Y	Y	Y	Y
Adams State College	Y	Y	Y	Y	N	N	N	Y
Albany State University (Georgia)	Y	Y	Y	Y	N	N	N	Y
Alderson-Broaddus College	Y	Y	Y	Y	Y	Y	Y	Y
American International College	Y	Y	Y	Y	Y	N	N	Y
Anderson University (South Carolina)	Y	Y	Y	Y	N	N	N	N
Angelo State University	Y	Y	Y	Y	Y	Y	N	A
Arkansas Tech University	Y	Y	Y	Y	Y	Y	N	Y
Armstrong Atlantic State University	Y	Y	Y	Y	Y	N	Y	Y
Ashland University	Y	A	Y	Y	N	Y	N	N
Assumption College	Y	Y	N	Y	N	N	N	N
Augusta State University	Y	Y	Y	Y	N	N	Y	Y
Augustana College (South Dakota)	Y	Y	Y	Y	N	N	Y	Y
Barry University	Y	Y	Y	Y	Y	Y	Y	Y
Barton College	N	Y	Y	Y	N	N	N	N
Bellarmine University	Y	Y	Y	Y	Y	Y	N	N
Belmont Abbey College	Y	Y	Y	Y	N	N	N	N
Bemidji State University	Y	Y	Y	Y	Y	Y	Y	Y
Benedict College	Y	Y	Y	Y	Y	N	N	Y
Bentley College	Y	Y	Y	Y	Y	Y	Y	Y
Bloomfield College	Y	Y	Y	Y	N	N	Y	Y
Bloomsburg University of Pennsylvania	Y	Y	Y	Y	N	N	N	Y
Bluefield State College	Y	Y	Y	Y	Y	Y	Y	Y
Bowie State University	Y	Y	Y	Y	Y	N	N	N
Brevard College	Y	Y	Y	Y	Y	Y	N	Y
Brigham Young University, Hawaii	Y	Y	Y	Y	Y	Y	Y	Y
C.W. Post Campus/Long Island University	Y	Y	Y	Y	N	Y	N	N
Caldwell College	Y	Y	Y	Y	Y	N	Y	Y
California Collegiate Athletic Association	Y	Y	Y	Y	N	N	N	N
California State Polytechnic University, Pomona	Y	Y	Y	Y	N	N	N	N
California State University, Chico	Y	Y	Y	N	N	N	N	N
California State University, Dominguez Hills	Y	Y	Y	Y	N	N	N	N
California State University, Los Angeles	Y	Y	Y	N	N	N	N	N

California State University, Monterey Bay	Y	Y	Y	Y	Y	Y	Y	Y
California State University, Stanislaus	Y	Y	Y	Y	Y	N	Y	N
California University of Pennsylvania	Y	Y	Y	Y	Y	Y	N	Y
Cameron University	Y	Y	Y	Y	Y	N	Y	N
Catawba College	Y	Y	Y	Y	Y	Y	Y	Y
Central Atlantic Collegiate Conference	Y	Y	Y	Y	N	N	Y	Y
Central Intercollegiate Athletic Association	Y	Y	Y	Y	A	N	N	N
Central State University	Y	Y	N	Y	N	N	N	Y
Central Washington University	Y	N	Y	Y	Y	Y	Y	N
Chadron State College	Y	Y	Y	Y	N	N	N	N
Chestnut Hill College	Y	Y	Y	Y	N	N	Y	N
Chowan University	Y	Y	Y	Y	N	N	N	N
Christian Brothers University	Y	Y	Y	Y	Y	N	Y	Y
Claflin University	A	A	Y	Y	Y	N	N	Y
Clarion University of Pennsylvania	Y	Y	Y	Y	N	N	N	N
Clark Atlanta University	Y	A	Y	Y	N	N	N	N
Clayton State University	Y	Y	Y	Y	Y	N	Y	Y
Coker College	Y	Y	Y	Y	N	N	N	Y
College of Saint Rose	Y	Y	Y	Y	Y	N	Y	Y
Colorado Christian University	Y	Y	Y	Y	Y	Y	N	N
Colorado School of Mines	Y	Y	Y	Y	Y	Y	N	N
Colorado State University-Pueblo	Y	Y	Y	Y	Y	Y	Y	N
Columbus State University	Y	Y	Y	Y	N	N	Y	Y
Concord University	Y	Y	Y	Y	Y	Y	N	N
Concordia College (New York)	Y	N	Y	Y	N	N	Y	N
Concordia University, St. Paul	Y	Y	Y	Y	N	N	N	N
Conference Carolinas	Y	Y	Y	Y	N	N	N	N
Converse College	Y	Y	Y	Y	N	N	N	N
Dallas Baptist University	Y	Y	Y	Y	Y	Y	Y	Y
Davis and Elkins College	Y	Y	Y	Y	N	N	Y	Y
Delta State University	Y	Y	Y	Y	Y	Y	Y	Y
Dixie State College of Utah	Y	Y	Y	Y	N	N	Y	N
Dominican College (New York)	Y	Y	Y	Y	N	N	Y	Y
Dowling College	Y	Y	Y	Y	N	N	N	Y
East Central University	Y	Y	Y	Y	Y	Y	Y	Y
East Coast Conference	Y	Y	Y	Y	N	N	N	Y
East Stroudsburg University of Pennsylvania	Y	Y	Y	Y	N	N	N	N
Eastern New Mexico University	Y	Y	Y	Y	Y	Y	Y	Y
Eckerd College	Y	Y	Y	Y	N	N	N	Y
Edinboro University of Pennsylvania	Y	Y	Y	Y	N	N	N	N
Elizabeth City State University	Y	Y	Y	Y	N	N	N	N
Emporia State University	Y	Y	Y	Y	Y	Y	Y	Y
Fairmont State University	Y	Y	Y	Y	Y	Y	Y	Y
Fayetteville State University	Y	Y	Y	Y	N	N	N	N
Felician College	Y	Y	Y	Y	N	N	Y	N
Ferris State University	Y	Y	Y	Y	Y	Y	N	N
Flagler College	Y	Y	Y	Y	Y	Y	Y	Y
Florida Institute of Technology	Y	Y	Y	Y	Y	Y	Y	Y
Florida Southern College	Y	Y	Y	Y	Y	Y	Y	Y
Fort Hays State University	Y	Y	Y	Y	Y	Y	Y	Y
Fort Lewis College	Y	Y	Y	Y	N	N	N	N
Francis Marion University	Y	Y	Y	Y	N	N	Y	N
Franklin Pierce University	Y	Y	Y	Y	N	N	N	N

Gannon University	Y	Y	Y	Y	N	N
Georgia Southwestern State University	Y	A	Y	Y	Y	Y
Georgian Court University	Y	Y	Y	Y	N	Y
Goldey-Beacom College	Y	Y	Y	Y	N	Y
Grand Valley State University	Y	Y	Y	Y	Y	N
Great Lakes Intercollegiate Athletic Conference	Y	Y	Y	Y	Y	N
Great Lakes Valley Conference	Y	Y	Y	Y	N	N
Great Northwest Athletic Conference	Y	N	Y	Y	Y	Y
Gulf South Conference	Y	Y	Y	Y	Y	Y
Harding University	Y	N	Y	N	N	N
Hawaii Pacific University	Y	Y	Y	Y	N	N
Heartland Conference	Y	Y	Y	Y	N	Y
Henderson State University	Y	Y	Y	Y	Y	Y
Hillsdale College	N	Y	Y	Y	N	Y
Holy Family University	Y	Y	Y	Y	N	Y
Humboldt State University	Y	Y	Y	Y	N	Y
Indiana University of Pennsylvania	Y	N	Y	Y	Y	N
Johnson C. Smith University	Y	Y	Y	Y	N	N
Kentucky State University	Y	Y	Y	Y	Y	N
Kentucky Wesleyan College	Y	Y	Y	Y	A	N
Kutztown University of Pennsylvania	Y	Y	Y	Y	N	N
Lake Superior State University	Y	A	Y	Y	N	Y
Lander University	Y	Y	Y	Y	N	Y
Le Moyne College	Y	Y	N	N	Y	Y
Lenoir-Rhyne College	Y	Y	Y	Y	Y	Y
Lewis University	Y	A	Y	Y	Y	Y
Lincoln Memorial University	Y	Y	Y	Y	Y	N
Lincoln University (Missouri)	Y	Y	Y	Y	N	N
Livingstone College	Y	Y	Y	Y	N	N
Lock Haven University of Pennsylvania	Y	Y	Y	Y	N	Y
Lone Star Conference	Y	Y	Y	Y	Y	Y
Lynn University	Y	Y	Y	Y	N	Y
Mansfield University of Pennsylvania	Y	Y	Y	Y	N	N
Mars Hill College	Y	Y	Y	Y	N	N
Mercy College	Y	Y	Y	Y	N	Y
Mercyhurst College	Y	A	Y	Y	N	N
Merrimack College	Y	Y	N	Y	Y	N
Mesa State College	Y	Y	Y	Y	Y	N
Metropolitan State College of Denver	Y	Y	Y	Y	N	N
Michigan Technological University	Y	Y	Y	Y	Y	N
Mid-America Intercollegiate Athletics Association	Y	Y	Y	Y	Y	Y
Midwestern State University	Y	Y	Y	Y	Y	Y
Millersville University of Pennsylvania	Y	A	Y	Y	N	N
Minnesota State University Moorhead	Y	A	Y	Y	Y	Y
Minnesota State University, Mankato	Y	Y	Y	Y	N	Y
Missouri Southern State University	Y	Y	Y	Y	Y	Y
Missouri University of Science and Technology	Y	Y	Y	Y	N	Y
Missouri Western State University	Y	Y	Y	Y	N	Y
Molloy College	Y	Y	Y	Y	Y	Y
Montana State University-Billings	Y	Y	Y	Y	Y	Y
Morehouse College	Y	Y	Y	N	N	Y
Mount Olive College	Y	Y	Y	Y	N	N
New Mexico Highlands University	Y	Y	Y	Y	Y	N

New York Institute of Technology	Y	Y	Y	Y	N	N	N	Y
Newberry College	Y	Y	Y	Y	Y	Y	N	Y
Newman University	Y	Y	Y	Y	Y	Y	Y	Y
North Georgia College & State University	Y	Y	Y	Y	Y	N	Y	Y
Northeast-10 Conference	Y	Y	Y	Y	N	N	N	N
Northeastern State University	Y	Y	Y	Y	Y	Y	Y	Y
Northern Kentucky University					Y	N	Y	Y
Northern Michigan University	Y	Y	Y	Y	N	N	Y	Y
Northern State University	Y	Y	Y	Y	Y	Y	N	N
Northern Sun Intercollegiate Conference	Y	Y	Y	Y	N	N	N	Y
Northwest Missouri State University	Y	Y	Y	Y	Y	Y	Y	Y
Northwest Nazarene University	Y	N	Y	Y	Y	Y	Y	Y
Northwood University (Michigan)	Y	Y	Y	Y	Y	Y	N	N
Notre Dame de Namur University	Y	N	Y	N	N	N	Y	Y
Nova Southeastern University	Y	Y	Y	Y	Y	Y	Y	Y
Nyack College	Y	Y	Y	Y	N	Y	Y	Y
Ohio Valley University	Y	Y	Y	Y	Y	A	Y	Y
Oklahoma Panhandle State University	Y	Y	Y	Y	Y	N	N	Y
Ouachita Baptist University	Y	N	Y	Y	N	N	N	N
Pace University	Y	Y	Y	Y	N	N	Y	Y
Pacific West Conference	Y	Y	Y	Y	Y	Y	N	Y
Paine College	Y	Y	Y	Y	N	N	N	Y
Palm Beach Atlantic University	Y	Y	Y	Y	Y	N	Y	Y
Peach Belt Conference	Y	Y	Y	Y	Y	N	Y	Y
Pennsylvania State Athletic Conference	Y	Y	Y	Y	N	N	N	N
Pfeiffer University	Y	Y	Y	Y	N	N	N	Y
Philadelphia University	Y	Y	Y	N	Y	Y	Y	Y
Pittsburg State University	Y	Y	Y	Y	Y	Y	Y	Y
Post University	Y	Y	Y	Y	N	N	Y	Y
Queens College (New York)	Y	Y	Y	Y	Y	Y	N	Y
Queens University of Charlotte	Y	Y	Y	Y	N	N	N	N
Quincy University	Y	Y	Y	Y	A	N	Y	A
Regis University (Colorado)	Y	Y	Y	Y	N	N	Y	N
Rockhurst University	Y	Y	Y	Y	Y	Y	Y	Y
Rocky Mountain Athletic Conference	Y	Y	Y	Y	Y	Y	N	N
Rollins College	Y	Y	Y	N	Y	Y	Y	Y
Saginaw Valley State University	Y	A	Y	Y	Y	Y	Y	Y
Saint Anselm College	Y	Y	N	Y	A	N	N	N
Saint Joseph's College (Indiana)	Y	Y	Y	Y	A	Y	Y	Y
Saint Leo University	Y	Y	Y	Y	N	N	Y	Y
Saint Michael's College	Y	Y	Y	Y	N	N	N	N
Salem International University	Y	Y	Y	Y	Y	N	N	N
San Francisco State University	Y	N	Y	N	N	N	Y	N
Seattle Pacific University	Y	Y	Y	Y	A	N	Y	N
Seton Hill University	Y	Y	Y	Y	Y	Y	N	Y
Shaw University	Y	Y	Y	Y	N	N	N	N
Shepherd University	Y	Y	Y	Y	Y	Y	Y	Y
Shippensburg University of Pennsylvania	Y	Y	Y	Y	Y	Y	Y	Y
Slippery Rock University of Pennsylvania	Y	Y	Y	Y	N	N	N	Y
Sonoma State University	Y	Y	Y	Y	N	N	Y	Y
South Atlantic Conference	Y	Y	Y	Y	Y	N	N	Y
Southeastern Oklahoma State University	Y	Y	Y	Y	Y	Y	Y	Y
Southern Arkansas University	Y	Y	Y	Y	N	N	N	Y

Southern Connecticut State University	Y	Y	Y	Y	N	N
Southern Intercol. Ath. Conf.	Y	A	Y	Y	N	N
Southern New Hampshire University	Y	Y	Y	Y	N	N
Southwest Baptist University	Y	Y	Y	Y	Y	Y
Southwest Minnesota State University	Y	Y	Y	Y	Y	Y
Southwestern Oklahoma State University	Y	Y	Y	Y	Y	Y
St. Andrews Presbyterian College	Y	Y	Y	Y	N	N
St. Augustine's College	Y	Y	Y	Y	N	N
St. Cloud State University	Y	Y	Y	Y	Y	Y
St. Martin's University	Y	A	Y	Y	A	N
St. Mary's University (Texas)	Y	Y	Y	Y	N	N
St. Paul's College	Y	Y	Y	Y	N	N
St. Thomas Aquinas College	Y	Y	Y	Y	N	N
Stillman College	Y	Y	Y	Y	A	A
Stonehill College	Y	Y	Y	Y	N	N
Sunshine State Conference	Y	Y	Y	Y	Y	Y
Tarleton State University	Y	Y	Y	Y	Y	Y
Texas A&M International University	Y	Y	Y	Y	Y	Y
Texas A&M University-Commerce	Y	Y	Y	Y	N	N
Texas A&M University-Kingsville	Y	Y	Y	Y	Y	Y
Texas Woman's University	Y	Y	Y	Y	Y	Y
The Georgia College & State University	Y	Y	Y	Y	Y	Y
Tiffin University	Y	Y	Y	Y	Y	N
Truman State University	Y	Y	Y	Y	Y	Y
Tusculum College	Y	Y	Y	Y	Y	N
University of Alabama in Huntsville	Y	Y	Y	Y	N	N
University of Alaska Anchorage	N	N	Y	Y	Y	Y
University of Alaska Fairbanks	Y	Y	Y	Y	Y	Y
University of Arkansas, Monticello	Y	Y	Y	Y	N	Y
University of Bridgeport	Y	Y	Y	Y	N	N
University of California, San Diego	Y	Y	Y	Y	N	Y
University of Central Missouri	Y	Y	Y	Y	Y	Y
University of Central Oklahoma	Y	Y	N	Y	Y	Y
University of Charleston (West Virginia)	Y	Y	Y	Y	N	N
University of Colorado, Colorado Springs	Y	Y	Y	Y	N	N
University of Findlay	Y	Y	Y	Y	Y	Y
University of Hawaii at Hilo	Y	Y	Y	Y	N	N
University of Indianapolis	Y	Y	Y	Y	N	N
University of Mary	Y	Y	Y	Y	N	N
University of Massachusetts at Lowell	Y	Y	Y	Y	N	N
University of Minnesota Duluth	Y	Y	Y	Y	N	N
University of Minnesota, Crookston	Y	Y	Y	Y	A	N
University of Missouri, St. Louis	Y	Y	Y	Y	N	N
University of Montevallo	Y	Y	Y	Y	N	Y
University of Nebraska at Kearney	Y	Y	Y	Y	N	N
University of Nebraska at Omaha	Y	Y	Y			
University of New Haven	Y	Y	Y	Y	N	N
University of North Alabama	Y	Y	Y	Y	Y	Y
University of North Carolina at Pembroke	Y	Y	Y	Y	Y	Y
University of Pittsburgh, Johnstown	Y	Y	Y	Y	N	N
University of Puerto Rico, Bayamon	Y	Y	Y	Y	Y	N
University of Puerto Rico, Mayaguez Campus	Y	Y	Y	Y	Y	Y
University of Puerto Rico, Rio Piedras	Y	Y	Y	Y	Y	N

University of South Carolina Aiken	Y	Y	Y	Y	Y	Y	Y	Y
University of Southern Indiana	Y	Y	Y	Y	Y	N	Y	Y
University of Tampa	Y	Y	Y	Y	Y	Y	N	Y
University of Texas of the Permian Basin	Y	Y	Y	Y	N	N	N	N
University of the District of Columbia	Y	Y	Y	Y	A	A	Y	Y
University of the Incarnate Word	Y	N	Y	Y	Y	Y	Y	Y
University of the Sciences in Philadelphia	Y	Y	Y	Y	N	N	N	Y
University of West Alabama	Y	Y	Y	Y	Y	Y	Y	Y
University of West Florida	Y	Y	Y	Y	N	N	N	N
University of West Georgia	Y	Y	Y	Y	Y	Y	Y	N
University of Wisconsin, Parkside	Y	Y	Y	Y	Y	Y	Y	N
Upper Iowa University	Y	Y	Y	Y	Y	Y	Y	N
Valdosta State University	Y	Y	Y	Y	N	N	N	Y
Virginia State University	Y	Y	Y	Y	N	N	N	N
Virginia Union University	Y	Y	Y	Y	Y	Y	N	N
Washburn University of Topeka	Y	Y	Y	Y	Y	Y	Y	Y
Wayne State College (Nebraska)	Y	Y	Y	Y	Y	Y	N	N
Wayne State University (Michigan)	Y	Y	Y	Y	Y	Y	N	Y
West Chester University of Pennsylvania	Y	Y	Y	Y	Y	Y	N	N
West Liberty State College	Y	Y	Y	Y	Y	Y	Y	Y
West Texas A&M University	Y	Y	Y	Y	Y	Y	Y	Y
West Virginia Intercollegiate Athletic Conference	Y	Y	Y	Y	Y	Y	Y	Y
West Virginia State University	Y	Y	Y	Y	Y	Y	Y	Y
West Virginia Wesleyan College	Y	Y	Y	Y	Y	Y	Y	Y
Western New Mexico University	Y	Y	Y	Y	Y	Y	Y	Y
Western Oregon University	Y	N	Y	Y	Y	Y	Y	Y
Western State College of Colorado	Y	Y	Y	Y	Y	Y	N	N
Western Washington University	Y	N	Y	Y	Y	Y	Y	Y
Wheeling Jesuit University	Y	Y	Y	Y	N	N	N	Y
Wilmington University (Delaware)	Y	Y	Y	Y	N	N	Y	Y
Winona State University	Y	A	Y	Y	N	N	N	N

YES	271	249	269	265	143	119	131	164
NO	3	13	6	9	121	153	142	105
ABSTAIN	1	13	0	0	10	3	0	4
TOTAL	275	275	275	274	274	275	273	273

# 103rd Annual Convention

## DIVISION III

### LEGISLATIVE PROPOSALS

#### SUBMITTED BY THE MEMBERSHIP

[Note: In the following proposals:

- Those letters and words that appear in *italics* are to be deleted;
  - Those letters and words that appear in **bold** are to be added; and
  - Those letters and words that appear in normal text are unchanged from the current Division III legislation.]
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#### DIVISION III LEGISLATIVE PROPOSALS

*The NCAA Division III Presidents Council has determined that it will deal primarily with those national issues in Division III athletics that prompt widespread concern among Division III presidents or chancellors.*

*Legislative proposals developed by the Division III Management Council or by Division III committees reporting to it must be submitted to the Division III Presidents Council for review. They cannot be placed on the agenda for consideration at the Convention unless the Presidents Council agrees to sponsor them. This procedure was established to affirm presidential control of intercollegiate athletics in Division III.*

*The Division III Presidents Council has identified those proposals that it believes are of particular interest to Division III presidents or chancellors and has included them in the Presidents Council grouping. It should be noted, however, that inclusion of proposals in the Presidents Council grouping does not necessarily constitute a position by the Division III Presidents Council for or against a proposal. Those proposals with an asterisk before the proposal number have been identified by the Presidents Council as roll-call votes. Delegates should refer to each proposal's source line for information regarding the sponsor of each proposal.*

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#### PRESIDENTS COUNCIL GROUPING

**\*NO. 2009-1 (NO. 2-11) PLAYING AND PRACTICE SEASONS — FOREIGN TOURS — SANCTIONED OUTSIDE-TEAM TOURS**

**Intent:** To establish limits on the number of student-athletes from the same member institution who may participate on an outside team tour without requiring the tour to be certified as an institutional tour, as specified.

**Bylaws:** Amend 17.32.2, as follows:

[Roll Call]

17.32.2 Sanctioned Outside-Team Tours. An outside team that includes student-athletes from more than one member institution may participate in international competition in any sport on a foreign tour *provided the outside team is not comprised solely of student-athletes from the same institution. However, any such outside team that includes more than the following number of student-athletes from the same member institution must be certified by the institution in accordance with procedures set forth in Bylaw 30.7.*

Baseball	4	Gymnastics	2	Swimming and Diving	5
Basketball	2	Ice Hockey	4	Tennis	2
Cross Country	2	Lacrosse	5	Track and Field	7
Fencing	4	Rifle	2	Volleyball	2
Field Hockey	5	Skiing	4	Water Polo	4
Football	5	Soccer	5	Wrestling	5
Golf	2	Softball	4		

17.32.2.1 Institutional Foreign-Tour Limitations. A member institution shall be charged with its foreign-tour opportunity in a sport and its once-in-three-years limitation if the *is comprised solely of student-athletes from the same institution is represented by more than the number of student-athletes specified under Bylaw 17.32.2 on an outside team participating in a foreign tour in that sport.*

**Source:** NCAA Division III Presidents Council [Management Council (Interpretations and Legislation Committee)].

**Effective Date:** Immediate; contracts signed before April 15, 2008, for future outside team tours may be honored in accordance with the previous rule.

**Rationale:** Prior to the adoption of 2006 NCAA Convention Division III Proposal No. NC-69, a member institution was charged with its foreign-tour opportunity in a sport and had to apply the once-in-three-years limitation if that institution was represented by more than a limited number of student-athletes on an outside team participating in a foreign tour. The current legislation does not count an outside-team tour against the once-in-three-years institutional foreign-tour limitation unless every member of the outside team participating in the tour is a student-athlete from the same institution. This proposal reinstates the previous limitations on the number of student-athletes from one institution that may participate on an outside-team tour. This change is necessary based on reported concerns that Division III coaches have been coaching outside-team tours comprised of a majority of student-athletes from their own team and only a few athletes from other teams. Under this proposal, if a coach chooses to participate in a foreign tour with more stu-

dent-athletes from their institution than allowed by the proposed limits, he or she could still use the institutional foreign-tour legislation (with the once-in-three-years limitation) in order to do so. Under the proposal, it is also true that if an institution has more student-athletes than allowed by the limit participating on an outside team foreign tour, it would count as the institution's foreign tour against the once-in-three-year limitation.

**Estimated Financial Impact:** None.

**\*NO. 2009-2 (NO. 2-6) PLAYING AND PRACTICE SEASONS — ATHLETICALLY RELATED ACTIVITIES — SPECIFIC WORKOUT PROGRAMS**

**Intent:** To specify that an institutional staff member may design a voluntary individual-specific workout program for a student-athlete, but may not conduct the individual's workout outside the declared playing season.

**Bylaws:** Amend 17.02.1.1, as follows:

[Roll Call]

17.02.1.1 Athletically Related Activities. The following are considered athletically related activities:

[17.02.1.1-(a) through 17.02.1.1-(e) unchanged.]

(f) Individual workouts required or supervised by a member of the coaching staff. **An coach institutional staff member** may design a voluntary (see **Bylaw 17.02.13**) general individual-workout program for a student-athlete, *(as opposed to a specific workout program for specific days)* but cannot conduct the individual's workout **outside the declared playing season**;

[17.02.1.1-(g) through 17.02.1.1-(k) unchanged.]

**Source:** NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

**Effective Date:** Immediate.

**Rationale:** Current legislation allows coaches to design a voluntary general individual-workout program for student-athletes as opposed to a specific workout program for specific days. This proposal would help to ensure the health and safety of student-athletes by allowing the out of season workout program to be tailored to their specific needs and limitations. By allowing specific workout programs to be designed, the institutional staff member would be able to provide a program that gives more accurate guidance for the individual student-athlete and would therefore be focused on that individual's well-being. The health and safety of student-athletes would benefit from having a workout program tailored to the individual's specific needs.

This would not change the prohibition against conducting out of season workouts nor would it change the voluntary requirement of all out of season workouts. If adopted, the immediate effective date would allow institutions to take advantage of this change in the spring and summer of 2009.

**Estimated Financial Impact:** None.

**\*NO. 2009-3 (NO. 2-9) PLAYING AND PRACTICE SEASONS — PRESEASON PRACTICE — TRADITIONAL SEGMENT — CROSS COUNTRY, FIELD HOCKEY, GOLF, RUGBY, SOCCER, TENNIS AND WOMEN'S VOLLEYBALL**

**Intent:** In cross country, field hockey, golf, rugby, soccer, tennis and women's volleyball, to establish the date of August 15 as the first permissible date for preseason practice.

**A. Bylaws:** Amend 17.7.2, as follows:

[Roll Call]

17.7.2 Preseason Practice. A member institution shall not commence practice sessions in cross country before the following dates:

(a) Traditional Segment. *The date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate game. August 15.*

[17.7.2-(b) unchanged.]

**B. Bylaws:** Amend 17.10.2, as follows:

[Roll Call]

17.10.2 Preseason Practice. A member institution shall not commence practice sessions in field hockey before the following dates:

(a) Traditional Segment. *The date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate game. August 15.*

[17.10.2-(b) unchanged.]

**C. Bylaws:** Amend 17.12.2, as follows:

[Roll Call]

17.12.2 Preseason Practice. A member institution shall not commence practice sessions in golf before the following dates:

(a) Traditional Segment. September 7 or the institution's first day of classes for the fall term, whichever is earlier.

(1) Exception. An institution that conducts its traditional segment during the fall may commence practice *on the date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate contest August 15.*

[17.12.2-(b) unchanged.]

**D. Bylaws:** Amend 17.18.2, as follows:

[Roll Call]

17.18.2 Preseason Practice. A member institution shall not commence practice in rugby before the following dates:

(a) Traditional Segment. *The date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate game. August 15.*

[17.18.2-(b) unchanged.]

**E. Bylaws:** Amend 17.20.2, as follows:

[Roll Call]

17.20.2 Preseason Practice. A member institution shall not commence practice in soccer before the following dates:

(a) Traditional Segment. *The date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate game. August 15.*

[17.20.2-(b) unchanged.]

**F. Bylaws:** Amend 17.26.2, as follows:

[Roll Call]

17.26.2 Preseason Practice. A member institution shall not commence practice sessions in tennis before the following dates:

(a) Traditional Segment. September 7 or the institution's first day of classes for the fall term, whichever is earlier.

(1) Exception. An institution that conducts its traditional segment during the fall may commence practice *on the date that permits a maximum of 16 practice opportunities before the first scheduled intercollegiate contest August 15.*

[17.26.2-(b) unchanged.]

**G. Bylaws:** Amend 17.28.2, as follows:

[Roll Call]

17.28.2 Preseason Practice — Women. A member institution shall not commence practice sessions in women's volleyball before the following dates:

(a) Traditional Segment. *The date that permits a maximum of 16 practice opportunities (see Bylaw 17.02.11) before the first scheduled intercollegiate game. August 15.*

[17.28.2-(b) unchanged.]

**Source:** New Jersey Athletic Conference and City University of New York Athletic Conference

**Effective Date:** August 1, 2009

**Rationale:** The practice opportunities formula is currently used to determine the first permissible practice date for the traditional segments in cross country, field hockey, golf (if the traditional segment is conducted in the fall), rugby, soccer, tennis (if the

traditional segment is conducted in the fall), and women's volleyball. The current counting formula, which counts back from an institution's first contest or date of competition, is confusing to calculate and often results in misapplication of the rule. This proposal would establish a uniform start date of August 15 which would allow for clear annual planning of the first practice date by institutional athletic departments, student-athletes, coaches and all other campus constituents.

**Committee Position** (Presidents Council, Management Council and Playing and Practice Seasons Subcommittee): The Presidents Council, Management Council and Playing and Practice Seasons Subcommittee oppose this proposal and note that the current process for determining the first permissible practice date provides a formula that is equitable to all institutions regardless of differing academic calendars. Standardizing the date at August 15th could have an unfavorable financial impact on institutions by lengthening the preseason and could have a negative impact upon the student-athletes and part-time coaches by decreasing the amount of time allowed for their summer employment opportunities.

**Estimated Financial Impact:** None.

**\*NO. 2009-4 (NO. 2-10) PLAYING AND PRACTICE SEASONS — ICE HOCKEY — PRESEASON PRACTICE — OCTOBER 15**

**Intent:** In ice hockey, to specify that an institution shall not commence practice sessions before October 15.

**Bylaws:** Amend 17.14.2, as follows:

[Roll Call]

17.14.2 Preseason Practice. A member institution shall not commence practice sessions in ice hockey before *September 7 or the institution's first day of classes for the fall term, whichever is earlier October 15.*

**Source:** NCAA Division III Presidents Council [Management Council (Championships Committee)].

**Effective Date:** August 1, 2009

**Rationale:** Implementation of a common practice start date creates an equal playing field for institutions and eliminates a potential competitive advantage for institutions able to start practice sessions earlier due to varying institutional calendars. Additionally, it provides student-athletes appropriate time to adjust and prepare for fall academic responsibilities.

**Estimated Financial Impact:** None.

**\*NO. 2009-5 (NO. 2-7) PLAYING AND PRACTICE SEASONS — GENERAL PLAYING SEASON REGULATIONS — REQUIRED DAYS OFF — ALL SPORTS — CONFERENCE AND POSTSEASON TOURNAMENTS**

**Intent:** To specify that an institution is not required to provide student-athletes one day off per week during conference championships or postseason tournaments.

**Bylaws:** Amend 17.1.6, as follows:

[Roll Call]

**17.1.6 Required Days Off.**

17.1.6.1 All Sports. During the playing season (see Bylaw 17.1.1), all athletically related activities shall be prohibited during one calendar day per week, except during participation in **conference championships, postseason tournaments or NCAA championships.**

[17.1.6.2 through 17.1.6.3 unchanged.]

**Source:** Wisconsin Intercollegiate Athletic Conference and Capital Athletic Conference Inc.

**Effective Date:** August 1, 2009

**Rationale:** Current legislation specifies that all countable athletically related activities are prohibited during one calendar day per week during the playing season with the exception of NCAA championships. The reason for the exception is to accommodate the travel and practice requirements inherent with NCAA championship competition as well as the unpredictability of advancing in those championships that are comprised of multiple rounds or levels. Conference championships and postseason tournaments share the same travel and practice requirements as well as the unpredictability of whether a team qualifies for the competition itself and/or advances to additional rounds thereby making it extremely difficult and even impractical to insert a day off. Adopting this exception will address these concerns.

**Committee Position** (Presidents Council, Management Council and Playing and Practice Seasons Subcommittee): The Presidents Council, Management Council and Playing and Practice Seasons Subcommittee oppose this proposal and note that it is not in the student-athlete's best interest to extend the potential weeks in which there would not be a required a day off. Additionally, the Councils and Subcommittee feel that conference tournaments are not as unpredictable as NCAA championships and therefore the same rationale that allows the exception for NCAA championships does not apply to conference tournaments.

**Estimated Financial Impact:** None.

**\*NO. 2009-6 (NO. 2-5) ELIGIBILITY — CRITERIA FOR DETERMINING SEASON OF ELIGIBILITY — MINIMUM AMOUNT OF PARTICIPATION — COMPETITION DURING THE NONTRADITIONAL SEGMENT — BASEBALL, FIELD HOCKEY, LACROSSE, SOCCER, SOFTBALL AND WOMEN'S VOLLEYBALL**

**Intent:** In the sports of baseball, field hockey, lacrosse, soccer, softball and women's volleyball, to specify that a season of participation shall not be counted when a student-athlete participates in the one date of competition during the nontraditional segment.

**Bylaws:** Amend 14.2.4.1, as follows:

[Roll Call]

14.2.4.1 Minimum Amount of Participation. A season of inter-collegiate participation shall be counted when a student-athlete participates (practices or competes) during or after the first contest in the traditional segment following the student-athlete's initial participation of that academic year at that institution or when the student-athlete engages in intercollegiate competition during the nontraditional segment. This provision is applicable to intercollegiate athletics participation (practice or competition) conducted by a Division III collegiate institution at the varsity, junior varsity or freshman team level.

14.2.4.1.1 Exceptions. A season of participation shall not be counted:

- (a) *d*During the traditional segment when a student-athlete participates in a preseason scrimmage or preseason exhibition conducted prior to the first contest following the student-athlete's initial participation of that academic year at that institution; and
- (b) **In baseball, field hockey, lacrosse, soccer, softball and women's volleyball, when a student-athlete participates in the one date of competition during the nontraditional segment.**

**Source:** Massachusetts State College Athletic Conference and Allegheny Mountain Athletic Conference

**Effective Date:** August 1, 2009

**Rationale:** The proposed legislation would allow a student-athlete to compete in the one date of competition during the nontraditional segment in baseball, field hockey, lacrosse, soccer, softball and women's volleyball without using a season of participation. These are the only sports that allow only one date of competition in the nontraditional segment. The current legislation al-

lows a student-athlete to participate in practice before and after the date of participation in the nontraditional segment, but participating in the one date of competition triggers the use of a season of participation. In contrast, during the traditional segment, a student-athlete may practice and compete in permissible scrimmages up until the first date of competition and not use a season of participation. In some sports, such participation may include many weeks of practice and multiple scrimmages. There is no competitive advantage gained by allowing competition in the nontraditional segment date of competition, as this contest does not figure into win/loss records or count toward championship selection, nor do the statistics count toward team or individual totals. Changing this rule would bring greater consistency to the application of the bylaw to both the traditional and nontraditional segments.

**Committee Position** (Presidents Council, Management Council and Playing and Practice Seasons Subcommittee): The Presidents Council, Management Council and Playing and Practice Seasons Subcommittee support this proposal and note that the nontraditional segment is primarily a time for teaching and providing tryouts for students interested in athletics participation. The one date of competition is an integral part of this process. The nontraditional segment also provides an opportunity for students to determine if they ultimately want to participate with the team and they should be permitted to explore this opportunity without being charged an entire year of participation for just one game in the nontraditional segment. Finally, the Councils and Subcommittee believe that the one date of competition should be treated the same as a preseason scrimmage in the traditional segment.

**Estimated Financial Impact:** None.

**\*NO. 2009-7 (NO. 2-4) DIVISION MEMBERSHIP — DEFINITIONS AND APPLICATIONS — EMERGING SPORTS FOR WOMEN — REMOVAL OF ARCHERY, BADMINTON, SYNCHRONIZED SWIMMING, TEAM HANDBALL FROM LIST OF EMERGING SPORTS FOR WOMEN AND ADDITION OF EQUESTRIAN TO LIST OF EMERGING SPORTS FOR WOMEN**

**Intent:** In Parts A, B, D, E, F, G, H and J of the proposal, to remove archery, badminton, synchronized swimming and team handball as emerging sports for women and to eliminate other specified legislation associated with these sports, as specified; further, in Parts C and I of the proposal, to add equestrian as an emerging sport for women.

**A. Bylaws:** Amend 14.1.8.1.6, as follows:

[Roll Call]

14.1.8.1.6 Waiver — United States Olympic Committee/National Governing Body. A student with eligibility remaining who is not enrolled or who is enrolled in less than a minimum full-time program of studies or a former student-athlete may participate on a regular basis in organized practice sessions, provided the following conditions are met:

[14.1.8.1.6-(a) unchanged.]

- (b) For former student-athletes, the practice sessions involve an individual sport, **or** rowing *or* synchronized swimming (for student-athletes with eligibility remaining the practice session may include any sport);

[14.1.8.1.6-(c) through 14.1.8.1.6-(d) unchanged.]

**B. Bylaws:** Amend 17.02.12, as follows:

[Roll Call]

17.02.12 Varsity Intercollegiate Sport. A varsity intercollegiate sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.12-(a) through 17.02.12-(c) unchanged.]

17.02.12.1 Team Sports. The following are classified as team sports for purposes of this bylaw:

Baseball	Rugby, Women's
Basketball	Soccer
Field Hockey	Softball
Football	<i>Synchronized Swimming, Women's</i>
Ice Hockey, Men's and Women's	<i>Team Handball, Women's</i>
Lacrosse	Volleyball
Rowing, Women's	Water Polo, Men's and Women's

17.02.12.2 Individual Sports. The following are classified as individual sports for purposes of this bylaw:

Archery, Women's	Rifle
Badminton, Women's	Skiing
Bowling, Women's	Squash, Women's
Cross Country	Swimming and Diving
Fencing	Tennis
Golf	Track and Field, Indoor and Outdoor
Gymnastics	Wrestling

**C. Bylaws:** Amend 17.02.12, as follows:

[Roll Call]

17.02.12 Varsity Intercollegiate Sport. A varsity intercollegiate

sport is a sport that has been accorded that status by the institution's president or chancellor or committee responsible for intercollegiate athletics policy and that satisfies the following conditions:

[17.02.12-(a) through 17.02.12-(c) unchanged.]

[17.02.12.1 unchanged.]

17.02.12.2 Individual Sports. The following are classified as individual sports for purposes of this bylaw:

Archery, Women's	Rifle
Badminton, Women's	Skiing
Bowling, Women's	Squash, Women's
Cross Country	Swimming and Diving
<b>Equestrian, Women's</b>	Tennis
Fencing	Track and Field, Indoor and Outdoor
Golf	Wrestling
Gymnastics	

**(Note: Parts D through G are the sport-specific Bylaw 17 Playing and Practice Seasons sections for the sports of archery, badminton, synchronized swimming and team handball. If the proposal passes, these Bylaw 17 sections, which are shown in parts D, E, F and G, would be deleted from the Division III Manual. Because of the length of these sections, parts D through G are not included in the Official Notice.)**

**H. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

20.02.6 Emerging Sports for Women. The following shall be considered emerging sports for women:

- (a) Team Sports: *team handball, rugby and synchronized swimming;* and
- (b) Individual Sports: *archery, badminton and squash.*

[Remainder of 20.02.6 unchanged.]

**I. Bylaws:** Amend 20.02.6, as follows:

[Roll Call]

20.02.6 Emerging Sports for Women. The following shall be considered emerging sports for women:

- (a) Team Sports: *team handball, rugby and synchronized swimming;* and
- (b) Individual Sports: *archery, badminton, equestrian and squash.*

[Remainder of 20.02.6 unchanged.]

**J. Bylaws:** Amend 20.11.3.5, as follows:

[Roll Call]

20.11.3.5 Minimum Contests and Participants Requirements for Sports Sponsorship.. In each sport, the institution's team shall en-

gage in at least a minimum number of intercollegiate contests (against the varsity programs of four-year, degree-granting collegiate institutions) each year. In the individual sports, the institution's team shall include a minimum number of participants in each contest that is counted toward meeting the minimum-contests requirement. The following minimums are applicable:

Team Sports	Minimum Contests	Individual Sports	Minimum Contests	Minimum Participants
Baseball	25	Archery	5	5
Basketball	18	Badminton	8	6
Field Hockey	12	Bowling	8	5
Football	7	Cross Country	5	5
Ice Hockey	18	Fencing	8	5
Lacrosse	10	Golf	6	5
Women's Rowing	8	Men's Gymnastics	6	6
Women's Rugby	8	Women's Gymnastics	6	5
Soccer	13	Rifle	6	4
<i>Women's Synchronized Swimming</i>	<i>8</i>	<i>Skiing</i>	<i>5</i>	<i>5</i>
<i>Team Handball</i>	<i>10</i>	<i>Squash</i>	<i>8</i>	<i>9</i>
Softball	24	Swimming and Diving	8	8
Volleyball	17	Tennis	10	6
Water Polo	13	Track and Field, Indoor	5	10
		Track and Field, Outdoor	6	12
		Wrestling	7	6

(Note: The minimum-contest requirements set forth in Bylaws 20.11.3.5.1 through 20.11.3.5.8 apply only to the provisions of this section and do not apply to minimum-contest requirements in Bylaw 14 and Bylaw 17.)

**Source:** NCAA Division III Presidents Council [Management Council (Committee on Women's Athletics)].

**Effective Date:** August 1, 2009

**Rationale:** In 1999, equestrian was added in Divisions I and II as an emerging sport for women. Over the past eight years, an average of 42 institutions reported sponsoring varsity equestrian with an average of 23 in Division III. The other divisions have been successful integrating equestrian and complying with NCAA regulations. The regulations for equestrian implemented in Divisions I and II will serve as a model for Division III while still giving consideration to the Division III philosophy in certain areas. If adopted, this will provide additional participation opportunities across all divisions and enhance the student-athlete experience. NCAA regulations require that emerging sports gain championship status within 10 years or show steady

progress toward that goal. Four sports on the original list, (archery, badminton, synchronized swimming and team handball) have seen minimal sponsorship growth over the past 14 years. In July 2007, the institutions, conferences and national governing bodies supporting these four sports were notified that they needed to provide a minimum of 10 commitment letters from institutions by July 2008 and that failure to meet that request would result in a recommendation for their removal from the list. None of the four sports were able to meet this requirement.

**Estimated Financial Impact:** Dependent on institutional decisions whether to sponsor an identified emerging sport for women.

**\*NO. 2009-8 (NO. 2-12) EXECUTIVE REGULATIONS — SELECTION OF TEAMS AND INDIVIDUALS FOR CHAMPIONSHIPS PARTICIPATION — SELECTION CRITERIA — AVAILABILITY OF DATA THROUGHOUT SEASON**

**Intent:** To specify that the data included in the NCAA computer statistical database used for championships selection criteria be made available to each institution throughout the season.

**Administrative:** Amend 31.3.5.2, as follows:

[Roll Call]

31.3.5.2 Selection Criteria. The governing sports committee responsible for the selection of the balance of the championships field shall select teams in Pools B and C based on the criteria below. The criteria of two or more teams shall be compared to determine the higher-ranked team. An attempt shall be made to determine the ranking of two or more teams after consideration of the primary criteria (see Bylaw 31.3.5.2.1). If the evaluation of the primary criteria does not result in a decision, the secondary criteria will be used (see Bylaw 31.3.5.2.2). All the criteria listed will be evaluated (not listed in preferential order).

**The data included in the NCAA computer statistical database, referenced in Bylaws 31.3.5.2.1 and 31.3.5.2.2, shall be made available to each institution throughout each season.**

**Source:** Capital Athletic Conference Inc. and Colonial States Athletic Conference (The Colonial States Athletic Conference has withdrawn its support for the proposal.)

**Effective Date:** August 1, 2009

**Rationale:** Computer ranking information is used as a tool, and not the ultimate decision-making piece, when selecting Pool B and Pool C teams or seeding for teams for NCAA championships.

The proposed legislation would: (1) allow coaches to assist the regional/national committees to ensure that there were no errors in the reporting system (scores reported incorrectly or regional games not properly designated); (2) allow coaches to better understand how their team matched up against other teams in the region throughout the season; (3) help coaches, in particular new and part-time coaches, better understand the NCAA championship selection process; (4) assist coaches who want to improve or strengthen their future schedules; and (5) minimize or eliminate confusion caused by independent Web sites, which attempt to mirror the NCAA data (but often fail). Currently, coaches and administrators play a guessing game in these areas. They should have a better understanding of the system and process, which could enable their opportunities to excel in their chosen fields.

**Committee Position** (Presidents Council, Management Council and Championships Committee): The Presidents Council, Management Council and Championships Committee oppose this proposal and note that they believe allowing the membership access to this raw data without the privilege of hearing all of the discussions that the respective sports committees engage in during their ranking sessions and selections would be misleading. The membership is not equipped with all of the necessary information that the committees have, which impact the decisions made by the committees and the data itself without the other information could cause confusion. They also note concerns with how the information would be used and with whom all it would be shared. Finally, the Councils and Committee note concerns with the cost factor of instituting this proposal.

**Estimated Financial Impact:** \$107,100.00 initial cost and \$16,600.00 annual cost. The initial cost represents upgrades necessary to account for the scope of usage contemplated by the proposal. The initial costs are as follows: (1) \$10,000 for new hardware; (2) \$35,000 for database software licenses; (3) \$52,500 (525 hours at \$100/hour) for programming changes; and (4) \$9,600 (8 hours per month at 100/hour) for maintenance of the software. The annual recurring costs are: (1) \$7,000 for database support and update of the licenses; and (2) \$9,600 (8 hours per month at 100 per hour) for maintenance of the software. The above figures represent the technology costs associated with the proposal and do not reflect the personnel costs of providing this service to the membership. Specifically, these amounts do not account for costs associated with educating the membership on the use of the database or responding to questions regarding the information contained within the database.

#### \*NO. 2009-9 (NO. 2-1) PERSONNEL — CONDUCT OF ATHLETICS PERSONNEL — SPORTS-SAFETY TRAINING

**Intent:** To specify that each head coach shall be certified in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED).

**Bylaws:** Amend 11.1, as follows:

[Roll Call]

##### 11.1 CONDUCT OF ATHLETICS PERSONNEL.

[11.1.1 through 11.1.5 unchanged.]

**11.1.6 Sports-Safety Training.** Each head coach shall maintain current certification in first aid, cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) use.

**Source:** NCAA Division III Presidents Council [Management Council (Student-Athlete Advisory Committee)], New England Women's & Men's Athletic Conference and New England Collegiate Conference

**Effective Date:** August 1, 2009

**Rationale:** Legislation requiring first aid, CPR and AED certification supports the Division III philosophy statement, specifically student-athlete safety and well-being. A survey of the NCAA death claims since 1992 reports 60 percent of all nonvehicle-related deaths have been due to heart-related conditions and 83 percent of all deaths occurred during practice or conditioning. Similar legislation was proposed both in 2007 and 2008 without approval. This proposal does not require the certified individual to be present during athletically related activities, nor does it specify the certifying organization. Safety and well-being of student-athletes are of the utmost concern; this proposal helps to strengthen these areas at a very minimum by requiring any individual designated as a head coach (full time, part time or volunteer) to be certified in first aid, CPR and AED use. Division III grant and initiative funding may be used to assist in funding the necessary certification courses. The proposal does not require that an institution purchase an AED (only that each head coach be certified in AED use). It is also important to note that Division III grant and initiative funding may be used to purchase an AED if an institution so desired.

**Estimated Financial Impact:** Minimal for certification (\$0 to \$30 per coach) since institutions can outsource the training or train their own staffs as instructors. Moreover, this is not an annual cost since first-aid certification is valid for three years and CPR certification is valid for one to two years (depending on the certifying organization). Division III grant and initiative funding may be used to offset these costs.

**\*NO. 2009-10 (NO. 2-3) RECRUITING — TRYOUT EXCEPTIONS — FACILITY USAGE BY OUTSIDE ORGANIZATION**

**Intent:** To establish a tryout exception that allows an institution's athletics department staff members or representatives of its athletics interests to be involved in the conduct and administration of the use of a member institution's facilities for physical activities by a group that includes prospective student-athletes under specified conditions.

**Bylaws:** Amend 13.11, as follows:

[Roll Call]

**13.11 TRYOUTS**

**13.11.1 Tryout Prohibition.** A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session and/or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw 13.11.1.1) reveal, demonstrate or display their athletics ability in any sport.

[13.11.1.1 unchanged.]

**13.11.2 Additional Prohibited Tryout Activities.** The following activities are also considered prohibited tryout activities.

[13.11.2.1 through 13.11.2.5 unchanged.]

**13.11.3 Tryout Exceptions.** Each of the following activities are permissible activities and exceptions to the tryout prohibition.

[13.11.3.1 through 13.11.3.11 unchanged.]

**13.11.3.12 Activities Not Involving Institution's Coaching Staff.** *The use of a member institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the institution's athletics department staff members or representatives of its athletics interests are not involved in the conduct, promotion or administration of the activity (other than activities incidental to supervising the use of the facilities) and are subject to all applicable NCAA recruiting legislation.*

**13.11.3.12 Other Permissible Facility Usage.** *The use of institutional facilities for physical activities by a group that includes prospective student-athletes, not otherwise permitted in these by-laws, may still be permissible and not considered a tryout provided that:*

**(a) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in the promotion of the activity;**

- (b) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in solicitation of any individual prospective student-athlete's participation in the activity;**
- (c) Institution's athletics department staff or representatives of the institution's athletics interests are not involved in solicitation for any particular group's participation in the activity, unless the group is affiliated with an outside organization and the solicitation is consistent with institutional policies of hosting outside organizations;**
- (d) The activity may not be a tryout event, as defined in Bylaw 13.11.2.4;**
- (e) Involvement by the institution's athletics department staff and representatives of its athletics interests shall be consistent with institutional policies for hosting outside organizations; and**
- (f) Athletics department staff members and representatives of its athletics interests remain subject to all applicable NCAA recruiting legislation during the event.**

**Source:** New England Women's & Men's Athletic Conference, Northern Athletics Conference, Commonwealth Coast Conference and Massachusetts State College Athletic Conference

**Effective Date:** Immediate.

**Rationale:** Currently, athletics department staff members may not sell concessions or work at a scorer's table for events ranging from Age Group Swimming Invitations to Soccer Club Tournaments involving a group that includes prospective student-athletes. Division III institutions depend on such activities to generate critical revenue for their departments, and for these activities to happen, it is often necessary for a member of the athletics department's staff to administer aspects related to the activity. The current legislation allows institutions to hire an outside consultant to conduct and administer these activities, thus disproportionately disadvantaging institutions lacking resources for such expenses. There are many areas of the country, both urban and rural, where higher education institution's athletics facilities are the only facilities that offer feasible opportunities for individuals to participate on a specific turf field or on a safe track or swimming pool. The existing legislation hinders access to these facilities and thus hinders community relationships between higher educational institutions and our neighbors. The current legislation is counter to activities that our staffs are allowed to do through existing camps and clinics legislation. To be reasonable and consistent, there should be an ex-

ception to the tryout legislation with an immediate effective date.

**Committee Position** (Presidents Council and Management Council): The Presidents Council and Management Council support this proposal and note that this change would make it easier for institutions to conduct events that are largely being done as fundraisers. The councils also noted that they do not see any advantage gained by institutions having these types of events because the proposal excludes the institution from promoting the event or soliciting individual prospects to participate in the event.

**Estimated Financial Impact:** This change to the legislation will provide institutions more opportunities to generate revenue (e.g. rental fees of facilities, concession stands), thus providing opportunities to positively impact department's net income.

**NO. 2009-11 (NO. 2-2) RECRUITING — TRYOUT EXCEPTIONS — USE OF FACILITIES FOR ACTIVITIES RELATED TO A NONSPONSORED SPORT**

**Intent:** To specify that the use of an institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the physical activities are related to a sport that is not sponsored by the institution on the varsity inter-collegiate level.

**Bylaws:** Amend 13.11, as follows:

**13.11 TRYOUTS**

13.11.1 Tryout Prohibition. A member institution, on its campus or elsewhere, shall not conduct (or have conducted on its behalf) any physical activity (e.g., practice session and/or test/tryout) at which one or more prospective student-athletes (as defined in Bylaw 13.11.1.1) reveal, demonstrate or display their athletics ability in any sport.

[13.11.1.1 unchanged.]

13.11.2 Additional Prohibited Tryout Activities. The following activities are also considered prohibited tryout activities.

[13.11.2.1 through 13.11.2.5 unchanged.]

13.11.3 Tryout Exceptions. Each of the following activities are permissible activities and exceptions to the tryout prohibition.

[13.11.3.1 through 13.11.3.6 unchanged.]

**13.11.3.7 Use of Facilities for Activities Related to a Nonsponsored Sport.** The use of member institution's facilities for physical activities by a group that includes prospective student-athletes shall not be considered a tryout, provided the physical activities are related to a sport that is not sponsored by the institution at the varsity inter-collegiate level.

[13.11.3.7 through 13.11.3.12 renumbered as 13.11.3.8 through 13.11.3.13, unchanged.]

**Source:** Wisconsin Intercollegiate Athletic Conference and Capital Athletic Conference Inc.

**Effective Date:** Immediate.

**Rationale:** Establishing an exception to the tryout restrictions in those instances in which the physical activities are related to a sport that is not sponsored by the institution on the intercollegiate level would not diminish either the intent or impact of the tryout restrictions, but rather would allow athletics department staff members an additional level of involvement in the conduct of these events, most of which are being hosted for fundraising purposes. The immediate effective date would allow institutions to take advantage of this exception without any detriment. Because this is permissive legislation, there is not a need to delay its effective date until August.

**Committee Position** (Presidents Council, Management Council and Interpretations and Legislation Committee): The Presidents Council, Management Council and Interpretations and Legislation Committee support this proposal and note that the proposal provides a logical exception to the tryout rule and could be a benefit to Division III institutions that are wishing to host various types of fundraising events.

**Estimated Financial Impact:** None.

**NO. 2009-12 (NO. 2-8) PLAYING AND PRACTICE SEASONS — END OF REGULAR SEASON — ALL SPORTS WITH A FALL NONTRADITIONAL SEGMENT**

**Intent:** To specify that all sports with a nontraditional segment in the fall must complete all practice and competition by the first date of final examinations for the fall term at the institution.

**A. Bylaws:** Amend 17.1.10.2, as follows:

17.1.10.2 Dividing Traditional and Nontraditional Segments. A member institution that divides its practice and playing season into two distinct segments per Bylaw 17.1.2 and conducts its nontraditional segment in the fall must complete all practice and competition by *October 30 of the academic year involved* **the first date of final examinations for the fall term at the institution**; conversely, a member institution that conducts its traditional segment in the fall may not begin practice or competition during its nontraditional segment until February 1 of the academic year involved.

**B. Bylaws:** Amend 17.2, as follows:

17.2 ARCHERY, WOMEN'S. Regulations for computing the archery playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.2.1 through 17.2.3 unchanged.]

17.2.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in archery by the following dates:

[17.2.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.2 unchanged.]

**C. Bylaws:** Amend 17.3, as follows:

17.3 BADMINTON, WOMEN'S. Regulations for computing the badminton playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.3.1 through 17.3.3 unchanged.]

17.3.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in badminton by the following dates:

[17.3.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.3 unchanged.]

**D. Bylaws:** Amend 17.4, as follows:

17.4 BASEBALL. Regulations for computing the baseball-playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.4.1 through 17.4.3 unchanged.]

17.4.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (contests and scrimmages) in baseball by the following dates:

[17.4.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.4 unchanged.]

**E. Bylaws:** Amend 17.6, as follows:

17.6 BOWLING, WOMEN'S. Regulations for computing the bowling playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.6.1 through 17.6.3 unchanged.]

17.6.4 End of Regular Season. A member institution shall conclude all practice and competition (meets and practice meets) in each segment in bowling by the following dates:

[17.6.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.6 unchanged.]

**F. Bylaws:** Amend 17.7, as follows:

17.7 CROSS COUNTRY. Regulations for computing the cross country playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.7.1 through 17.7.3 unchanged.]

17.7.4 End of Regular Playing Season. A member institution shall conclude all practice and competition in cross country by the following dates:

[17.7.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.7 unchanged.]

**G. Bylaws:** Amend 17.10, as follows:

17.10 FIELD HOCKEY. Regulations for computing the field hockey playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.10.1 through 17.10.3 unchanged.]

17.10.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (contests and scrimmages) in field hockey by the following dates:

[17.10.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

**stitution** (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.10 unchanged.]

**H. Bylaws:** Amend 17.12, as follows:

17.12 GOLF. Regulations for computing the golf playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.12.1 through 17.12.3 unchanged.]

17.12.4 End of Regular Playing Season. A member institution shall conclude all practice and competition in golf by the following dates:

[17.12.4-(a) unchanged.]

(b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.9.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.12 unchanged.]

**I. Bylaws:** Amend 17.15, as follows:

17.15 LACROSSE. Regulations for computing the lacrosse playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.15.1 through 17.15.3 unchanged.]

17.15.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in lacrosse by the following dates:

[17.15.4-(a) unchanged.]

(b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.15 unchanged.]

**J. Bylaws:** Amend 17.17, as follows:

17.17 ROWING, WOMEN'S. Regulations for computing the rowing playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.17.1 through 17.17.3 unchanged.]

17.17.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrim-

mages) in rowing by the following dates:

[17.17.4-(a) unchanged.]

(b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.9.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.17 unchanged.]

**K. Bylaws:** Amend 17.20, as follows:

17.20 SOCCER. Regulations for computing the soccer playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.20.1 through 17.20.3 unchanged.]

17.20.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in soccer by the following dates:

[17.20.4-(a) unchanged.]

(b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.20 unchanged.]

**L. Bylaws:** Amend 17.21, as follows:

17.21 SOFTBALL. Regulations for computing the softball playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.21.1 through 17.21.3 unchanged.]

17.21.4 End of Regular Playing Season. A member institution shall conclude all practice and competition (games and scrimmages) in softball by the following dates:

[17.21.4-(a) unchanged.]

(b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.21 unchanged.]

**M. Bylaws:** Amend 17.26, as follows:

17.26 TENNIS. Regulations for computing the tennis playing season

are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.26.1 through 17.26.3 unchanged.]

17.26.4 End of Regular Playing Season. A member institution shall conclude all practice and competition in tennis by the following dates:

[17.26.4-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.26 unchanged.]

**N. Bylaws:** Amend 17.28, as follows:

17.28 VOLLEYBALL. Regulations for computing the volleyball playing season are set forth in Bylaw 17.1, General Playing-Season Regulations. (See Figure 17-1.)

[17.28.1 through 17.28.6 unchanged.]

17.28.7 End of Regular Playing Season — Women. A member institution shall conclude all practice and competition (games and scrimmages) in volleyball by the following dates:

[17.28.7-(a) unchanged.]

- (b) Nontraditional Segment. For an institution that conducts its nontraditional segment in the fall, *October 30 the first date of final examinations for the fall term at the institution* (see Bylaw 17.1.10.2). For an institution that conducts its nontraditional segment in the spring, the first date of final examinations for the regular academic year at the institution.

[Remainder of 17.28 unchanged.]

**Source:** NCAA Division III Presidents Council [Management Council (Playing and Practice Seasons Subcommittee)].

**Effective Date:** August 1, 2009

**Rationale:** Redefining the conclusion of the fall nontraditional segment by linking it to the academic calendar is consistent with the current legislation for the spring nontraditional segment. Additionally, by changing the end of the fall nontraditional segment from October 30 to a date that coincides with the institution's academic calendar allows institutions on quarter academic calendars the same scheduling flexibility as those on a semester academic calendar. There is no change to the overall week limitation for the playing season.

**Estimated Financial Impact:** Potential cost savings for some institutions on the quarter system that currently bring their student-athletes on campus early to conduct their nontraditional segment.

**2009 NCAA CONVENTION VOTING GRID – NCAA DIVISION III**  
 (Saturday, January 17, Business Session)

PROPOSAL NUMBER	BUSINESS SESSION	RESULT	COUNT
1*	III	Adopted	440-15-1
2*	III	Adopted	453-2-1
3	III	Defeated	154-297-6
4	III	Adopted	225-54-176
5	III	Withdrawn	N/A
6	III	Adopted	431-18-6
7 [Sections C and I]	III	Not Moved	N/A
7 [Sections A, B, D, E, F, G, H and J only]	III	Adopted	403-21-35
8	III	Withdrawn	N/A
9	III	Adopted	420-33-6
10*	III	Adopted	453-4-2
11*	III	Adopted	449-6-1
12	III	Referred back to NCCA Division III Management Council	Vote on motion to refer 438-18-1

\*Effective immediately

The NCAA salutes the more than  
**400,000** student-athletes  
participating in **23 sports** at  
more than **1,000** member institutions

